United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, MARCH 1, 2007 No. 35

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, empower our Senators to make consistency a top priority. Lead them over life's mountains and through life's valleys with a spirit of faithfulness and trust in You and a kindness and respect for each other. Help them to live their lives on an even keel and to never give in to despair. Whether in life's sunshine or shadows, may they be aware that You will walk beside them, making the crooked places straight. Keep them from making critical decisions without consulting You or succumbing to the temptation of taking the easy way out. Infuse them with a spirit of gratitude to You for Your involvement in the destiny of our Nation and world.

Lord, help us all to live lives worthy of Your love. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, the first half under the control of the Republicans, the second half under the control of the majority. Following morning business, the Senate will resume consideration of S. 4. I announced last night that there would be a Democrat ready to offer an amendment. I am told this morning that individual called and said they are not ready now. We have a Bingaman amendment pending, and I understand there may be a second degree filed to that. If that is the case, I hope they will do that. I know Senator SCHUMER will be available to offer an amendment after lunch, 1 p.m. or thereabouts.

I say this to my distinguished Republican colleague, Senator MCCONNELL: I don't think it is fair to everybody to have such a schedule that is kind of up in the air. I think tomorrow we are going to finish around noon. Nobody seems to be anxious to offer amendments. It is unfair to everybody else to be kind of standing around waiting for something to happen. We will stay in session tomorrow after that, if necessary, for people to offer amendments. As I indicated, we can have some stacked votes when we come in Monday evening.

The Republican leader and I have spoken. I don't want to have to file cloture on this bill, but Democrats and Republicans should understand that we can't stand around and think we are going to legislate the last few hours of next week. We cannot do that.

I say to people on my side of the aisle and those on the other side of the aisle, if they have amendments, offer them. I appreciate the amendments that have been offered in relation to this legislation. This is important legislation. There are still some controversial things that have to be decided. Waiting around is not going to do the trick. It is my understanding the Republican manager of the bill has been working with the administration on REAL ID. According to news reports this morning, the administration is going to offer some relief, and the managers of the bill and those who are concerned about REAL ID will have to decide if that is enough.

I simply say that I wanted to have a lot done today, a lot done tomorrow, but I don't think it is fair to everybody when there doesn't appear to be a lot of interest. We on our side have hotlined Members to find out who has amendments to offer. There are a few amendments Senators have requested to put in line for offering themselves. We are certainly able to do that. But that line has to start someplace.

We are going to finish this bill next week.

Mr. MCCONNELL. Will the majority leader yield for an observation on that point?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. I think it is a problem on both sides of the aisle. I agree with the majority leader, we need to get going. I will give an example, what happened yesterday. Senator DEMINT came down shortly after noon

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to offer his amendment, was prepared to accept a short time agreement, so we could have had a vote early in the afternoon. But in that particular instance, the problem was on the side of my good friend, the majority leader. We were unable to get a time agreement on Senator DEMINT's amendment until almost the end of the afternoon because there was someone on that side of the aisle who wanted to offer a side-by-side. This has been sort of a bipartisan problem both the majority leader and myself have in getting this legislation going and getting votes up and handled. Yesterday, the dilemma was basically on his side. On our side, our hands are not entirely clean, either. We are trying to get amendments up.

I happen to agree with the majority leader, we ought to have a full day with plenty of amendments. We are working hard to get that done on our side.

Mr. REID. Mr. President, I repeat, I have had a number of people come to me and say: You have announced there are going to be votes Friday afternoon. We are not having votes Wednesday afternoon; why worry about Friday afternoon?

I say to everyone, if they have things to do this weekend—and I am sure they do—we are going to be out of here around noon tomorrow as far as votes. I leave the door open. If Members want to offer amendments, they can still come and do so. The managers will be here, if necessary, until sundown tomorrow night, when Chairman LIEBERMAN's Sabbath begins.

We want to move forward. For the information of Members, today at 3 p.m., the Chairman of the Joint Chiefs of Staff, General Pace, will be in 407 to brief Members who wish to be briefed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

TSA

Mr. THOMAS. Mr. President, I wanted to make a few remarks relative to the TSA legislation the Senate is considering. I do hope we can get it finished. I am a little confused about what we are trying to achieve with the measure that is before us. We have already been through this. We have passed a great many of the recommendations that were made by the 9/11 Commission—actually, most of them, as a matter of fact. It is of concern to me that we have a 300-page bill here on what is left in the Commission's report.

We are going through a number of the bills that relate to portions of the report that really have nothing to do with enhancing homeland security. For example, the 9/11 Commission didn't have anything to do with collective bargaining rights for labor unions. Here we probably had a good reason not to do that. In fact, we had this extended debate back in 2002. We found that it was not in the interest of national security to provide collective bargaining rights in this instance. Here we are dealing with it again.

I guess I am just a little impatient in that we need to move on. I don't think homeland security ought to have the approval of labor unions to move forward. The policy would also greatly hinder TSA's flexibility to respond to terrorist threats, fresh intelligence, and other emergencies, if we did it that way. We need to have the ability to move screeners around as schedules are necessary and threats change. Obviously, in a security bill of this kind, there needs to be the kind of flexibility, the kind of management that can be there for the agencies that are responsible. The real focus is on the capability to deal with homeland security.

Another concern I have, frankly, is a provision relative to the distribution of funding. I understand that urban areas, large areas—New York and so on—have more concerns about security and threats, perhaps, but rural areas do as well. We have energy production and those kinds of things. Wyoming originally had $20 million involved. It has dropped to $9 million. We do have military bases there. Large sums of money have been unused, and we need to evaluate that distribution somewhat.

As we debate the bill, I look forward to supporting amendments that would actually make America safer and that we don't get into areas that really are not directly associated with security. That is what this legislation is about.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating S. 4, dealing with the TSA employees, the Transportation Security Agency. The most controversial aspect of that has to do with the unionization of those employees. We have had this debate before. We had it when the Department of Homeland Security was created. It was a very vigorous debate. Quite frankly, it held up the bill for a considerable period of time.

Ultimately, the Senate and the House decided, with the concurrence of the President, that it would not be a good idea to have these workers unionized. But they are Federal workers and they should have the same rights as every other Federal worker was the argument in favor of unionization. The argument against has to do with the peculiar nature of their assignment. They are not Federal workers in the same sense that people working in the Federal Highway Administration, building highways, might be Federal workers. They are not Federal workers in the same sense that people dealing with normal routines are Federal workers.

They appear to be, as we see them day to day—as all of us go through the security procedures at airports and we take off our shoes and our belts and we forget our boarding pass because it is in the bin with the computer and they have to help us recover it and so on—we all have the sense that these are fairly routine operations they are going through. Therefore, why not allow them to form a union and engage in collective bargaining, because this is, in fact, fairly routine work—very important work, to be sure, but fairly routine. In fact, it is not fairly routine, as we have seen during the time this force has been in place.

Let me take my colleagues back to the situation before the TSA was created. Screening was done airport by airport, contractor by contractor, because it was viewed as a routine kind of thing. Like all Senators, I travel in and out of enough airports to know that each airport is different. In the days before TSA, one never quite knew what they were going to get. You would go through one airport very rapidly, you would go to another and they would be sticklers for detail.

These people were contracted by the airlines, and they had a wide range of skills and a wide range of training. One of the reasons we decided after 9/11 we would have a single Federal force to deal with this was we wanted a single level of training, accountability, and competence to cover the entire American system anywhere in the country.

I have found that is now basically true. If I go through the airport in Philadelphia, I get treated pretty much the same way as if I go through the airport in Salt Lake City. This, however, has a security component that is over and above the screening component.

We are in a war with an enemy unlike any we have ever had before, and the primary tool in protecting us in this war is intelligence. This is an intelligence war rather than a war between tanks and aircraft carriers and infantry battalions. So when the intelligence turns up a key piece of information in this war, the TSA must be flexible and responsive to its leadership.

If we had a series of organized unions, one different in each of the 450 airports that operate in the United States, we would not have the flexibility nor the capacity to respond that we currently have in this situation.

Let me give you a few case studies to illustrate what I mean.

The most dramatic, of course, was that which occurred when the British

intelligence operations discovered there was a plot to blow airplanes up over the Atlantic through the device of taking innocent-looking liquids onboard the airplane and then combining them to create an explosive bomb on the airplane.

I remember a study being done at the University of Utah after this was over, by some of the professors there who looked at it and said: It is possible, it can be done, and it can be done fairly simply. They outlined how it would be done—something that, frankly, had not occurred to anybody as they were setting up TSA in the first place.

The terrorists in Great Britain were inventive enough to come up with the idea. As we contemplate the possibility of it being carried out, it is truly diabolical. They would have gotten on the airplane, passing all screening, gotten together back in the coach cabin—they would not have had to storm the cockpit or try to take over the airplane the way the terrorists on 9/11 did—mixed their chemicals together and had the airplane blow up over the Atlantic.

That means there would be no black box to recover. The entire wreckage of the airplane would be at the bottom of the Atlantic, far beyond any discovery, and the airplane would simply have disappeared off the radar scope, with no explanation, no commentary in the cockpit. The pilot would be reporting, if anybody was listening, that everything was fine, everything was normal and, suddenly, the airplane would have disappeared.

The terrorists were scheduled to blowup not one plane, but three or four. Can we imagine what kind of uncertainty that would have created in the air traffic system worldwide if that plot had succeeded? Fortunately, the British intelligence agencies discovered it, interrupted it, and prevented it. In the process, naturally, they notified the American intelligence agencies. What did those agencies do? They went to TSA. They went to the TSA leadership and explained what had happened. The TSA leadership had a security clearance to get all the information about the intelligence involved, and TSA swung into action immediately.

Let me give you some of the details. At 4 o'clock in the morning, transportation security officers arriving at the east coast airports, where the first flights would take off, were informed there were new procedures. They were instructed in the procedures. They were trained very quickly. Immediately, seamlessly, through the entire TSA system, everyone was brought up to speed.

The difference between what happened in Great Britain and what happened in America is fairly dramatic. Let me read a commentary that describes that: ''Passengers in the United States and the United Kingdom saw two completely different effects of the changes. In the UK, dozens of flights were canceled, scores delayed, and a nightmare of travel backups ensued and lasted for days. By contrast, no cancellations occurred in the United States as a result of this change.'' None.

That is because TSA was nimble; TSA could act quickly. There was no concern about revealing the intelligence source of this information to the leaders of TSA because they were all Government employees, and they were all responsive to the Secretary of Homeland Security.

If collective bargaining had been in place and a requirement for union approval of change of routines, a clearance by shop stewards of change of patterns, to make sure it fit in with the collective bargaining requirement—a different series of requirements at different airports, as the union would organize Philadelphia but not Baltimore, as the union would organize Kennedy but not LaGuardia, as the union would organize Miami but not New Orleans or wherever you might want to go—the patchwork that would occur, if passage of S. 4 goes forward in its present form, would create all kinds of chaos in the United States.

Fear of disclosing the British information might have caused U.S. officials to say: Let's think twice before we describe what is going on and why we are doing what we are doing because it might reveal sources and methods to people who are not cleared for that and inadvertently they could leak it back to al-Qaida. None of those fears occurred. None of those problems arose because TSA was structured from the very beginning to be the kind of agency it is.

Another example of what could happen if we allow S. 4 to go forward in its present form occurred in Canada. Quoting from a description of that:

> Consider a recent incident in Canada, a nation whose air security system does not have the flexibility like that granted to the TSA. Last Thanksgiving, as part of a labor dispute, ''passenger luggage was not properly screened—and sometimes not screened at all'' as airport screeners engaged in a work-to-rule campaign, creating long lines at Toronto's Pearson International Airport.

OK, that is the kind of thing we expect. Unions organize for the ability to do slowdowns or strikes or whatever as pressure on management to get what they want. That is what happened.

What was the consequence with respect to security?

> A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or no screening whatsoever. One Canadian security expert was quoted as saying that ''if terrorists had known that in those three days that their baggage wasn't going to be searched, that would have been bad.''

I think it would have been more than bad. If the terrorists had had any advance indication there would be that kind of breakdown in the screening activities in Canada as a result of union activity, they would have said: All right, that is the time we go to the airport, we go to the airport in some numbers, we carry liquids with us in our baggage, and we put explosives in our checked baggage because it is all going to go through without proper screening. The pressures from the Thanksgiving Day travelers are going to be so high that people are going to say: Well, just let it go through this once.

For the terrorists to strike a significant blow at the United States, all we need to do is ''let it go through just this once'' and have them have advance notice of when it would go through.

You cannot organize a strike, you cannot organize a work action without people knowing about it. I am not suggesting, in any sense, that anyone in TSA—unionized or not—would ever be complicit in notifying al-Qaida of the fact that a work action was coming. But al-Qaida, in a unionized situation, would say: Here is something we want to monitor. Here is something we want to pay attention to. Some innocent, inadvertent remark on the part of a unionized member of TSA could easily get back to al-Qaida, and they would say: We are ready for this. Let's go. Here is the opportunity. It is going to come up at Thanksgiving. It is going to come up at New Years. It is going to come up at the Super Bowl or some other situation.

Unions look for those kinds of situations where they can get maximum leverage for their work actions. It is not hard to figure out where that kind of thing might occur. So if a union is dissatisfied with working conditions at an airport that services the Super Bowl city on Super Bowl Sunday and says: We are going to have a slowdown here unless we get this, that or the other, and the slowdown occurs, it would not take a genius on al-Qaida's part to say: That is where we probe. That is where we do our best to get into the system.

Once again, if the plot in Britain had borne fruit and three airplanes had disappeared off the radar screen, with no advance warning and no way to find out what actually happened, worldwide travel would have been disrupted everywhere. The economy not only of our country but many others would have been seriously devastated. The consequences, tragic as they would have been for the families of those on those three airplanes, would have multiplied across the world.

I do not want to take that chance. I intend to support the administration's position, which says: If this provision relating to unionization of TSA employees does not come out of the bill, we will oppose the bill. The President has indicated he might very well veto the bill if this provision does not come out. I hope we do not have to go that far. I will oppose this provision. I will oppose the bill if the provision stays in. If it does go that far and gets to the President's desk, I will vote to uphold the President's veto.

I think the war on terror has taught us we are dealing with an entirely different kind of enemy, one who is very patient, one who is very intelligent,

and one who is very inventive. For us to treat security matters such as airport security as a routine kind of task that can be dealt with in routine kinds of training and, therefore, is eligible for routine kinds of labor relations between management—in this case, our leading security agencies—and labor—in this case, those who are on the frontline of security for our Nation—would be foolish.

For that reason, again, Mr. President, I would oppose this bill if this provision does not come out.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I yield myself 8 minutes of the Democratic time.

FDA REGULATION OF TOBACCO

Mr. BROWN. Mr. President, every year, 450,000 Americans die from smoking-related illnesses. That means tobacco companies have to find 450,000 new customers every year. Here is how they do it.

There is a new ad campaign from Camel that targets young girls. This is part of a mailer that Camel sent to young women around the country, especially aimed at young women, calling Camel cigarettes ''light and luscious.'' You will notice the resemblance of this mailing to a popular perfume. This is Camel No. 9. Inside this box—this is inside the mailing—is something that looks like a cigarette box. These are not actually cigarettes. They are not allowed to do that under law. But if you open this, you will see Camel is offering two for one, two packs of cigarettes for the price of one.

In Ohio, 20 percent or 134,000 high school students smoke, and each year more than 18,000 children under the age of 18 become daily smokers. The Centers for Disease Control and Prevention estimates that almost 300,000 Ohio children under the age of 18 who start smoking now will die prematurely as a result. Almost 300,000 children who start smoking now will die prematurely as a result.

Our Nation's youth, frankly, are almost certainly not aware of these staggering statistics when they try their first cigarette, but we are aware of it. If we are not, we should be. It is our responsibility to make sure our children are safe and don't fall victim to these unhealthy addictions—addictions with deadly outcomes. It is our responsibility to make sure our children are safe and don't fall victim to unhealthy addictions.

FDA regulation of tobacco products, legislation introduced by Senator KENNEDY, is not only necessary to protect our kids, it will improve the overall health of our Nation and save countless lives. FDA regulation is necessary because most cigarette manufacturers have proved time and again they have no desire to take the course of responsible action. Instead, in an act of morally reprehensible profiteering that contravenes a multistate tobacco agreement struck in 1998, cigarette manufacturers are once again using advertising campaigns to lure teenagers into a deadly habit.

These unscrupulous business practices especially prey on girls in particular. As a father of three daughters, I take personal offense to this kind of advertising that glamorizes cigarettes. Their latest gimmick, again, as I said, is a mailing of a takeoff on a popular perfume. They are sending these out, I presume, to hundreds of thousands of young women.

It strains the imagination that this ad campaign and these kinds of two-for-one coupons—it strains the imagination to think that this is aimed at anyone other than 15- and 16- and 17-year-old girls. These images make their way into millions of homes across the country through these mailers, and they reveal, as I said, a prize of two-for-one coupons, even though cigarettes are legal only for 18-year-olds and older. Cigarette manufacturers are literally investing in the premature deaths of our daughters.

It is up to Congress to put a stop to it. Lung-related cancers are the fastest growing and now the leading cause of cancer death among women. As elected officials, we have an obligation to ensure the health and safety of those who sent us to the Senate. As parents, we have a moral imperative to ensure our children are afforded the best chance for a bright start. There is nothing ''light'' or ''luscious'' about dying from lung cancer.

Every year, smoking costs our Nation more than $96 billion in health care costs. The real costs, of course, are the 450,000 lives lost every single year to smoking-related illnesses.

In my home State of Ohio, health care costs directly caused by smoking topped $4.3 billion, $1.5 billion of which is covered by our State Medicaid Program—the taxpayers. This is a drain on our health care system. It is a drain on our local communities. It is a drain on our Federal and State budgets. Congress must grant, under the Kennedy proposal, the FDA authority to regulate tobacco products.

We have a responsibility to our Nation to ensure that children are safer and they are not the victims of suggestive marketing by tobacco companies. Congress has debated the issue of FDA authority over tobacco for nearly a decade. It is time to finish the debate and take action to protect children, protect young women, girls, from this kind of advertising, from these kinds of campaigns because if we take the right kinds of action, it will save literally hundreds of thousands of lives.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DESHON E. OTEY

Mr. MCCONNELL. Mr. President, like every one of my colleagues, I stand in awe of the brave men and women who have volunteered to take up arms and defend our country. Some are called to make the ultimate sacrifice. And so today I ask the Senate to pause in loving memory of LCpl DeShon E. Otey of Radcliff, KY. He was 24 years old.

Lance Corporal Otey, a marine, died on June 21, 2004, while serving with an elite sniper team sent on a crucial mission in Ramadi, Iraq. Otey and three other marines entered the town to target the dangerous terrorists who had turned it into one of the most hostile in the country.

To this day we can not be sure how tragedy struck Otey on this final mission. After headquarters could not make contact with his team, other marines were sent to find out what happened.

Lance Corporal Otey was found killed, shot in the torso. The other three soldiers had met the same fate, and their weapons had been taken by the enemy.

Just 3 months before his death, Lance Corporal Otey had survived a particularly brutal attack by the terrorists—again, in Ramadi, the site of many difficult battles. Then, Otey was the sole survivor out of all the men in his humvee.

For his actions as a marine, Lance Corporal Otey earned numerous medals and awards, including the Purple Heart and the Combat Action Ribbon.

Mr. President, though we mourn the loss of this hero's life, we would not mourn how he lived it. Lance Corporal Otey's mother Robin Mays tells us he wanted to join the Marines for about as long as she could remember. ''All he ever dreamed about was being a marine,'' she says. ''He was the consummate marine—reserved, soft-spoken, would only speak when spoken to. He lived for the Marines.''

As a student at North Hardin High School, in Hardin County, KY, DeShon was an amateur boxer who had several bouts in nearby Louisville, KY. He was also a lineman for the North Hardin High football team.

But even as a high-school student, DeShon was preparing for the rigorous life of a marine. He tested for both the Marine Corps and the Air Force, earning high scores. He worked with a Marine recruiter, and sometimes the two would go off to participate in war games.

DeShon proved to have great prowess with a weapon. He was eventually selected to be a sniper, a highly respected position that comes with a lot of responsibility and a lot of training. He went on to earn the Rifle Marksman Badge and the Pistol Marksman Badge.

Of course, DeShon had other interests as well. His mother remembers

that when he was little, he loved to watch television cooking shows. One night after coming home from work, Mrs. Mays told DeShon and his little brothers Ronald and Domenique that she would cook dinner for them.

But after seeing how easy it looked on TV, little DeShon told his mom that he would cook for the family instead. ''Let DeShon cook!'' cried Ronald and Domenique in agreement. ''Sometimes he'd create his own little dinner,'' says Ronald, who says DeShon was a good cook.

DeShon joined the Marines shortly after high school graduation. He underwent boot camp in Guam, and during a 2-week-long wilderness survival course had to eat crabs, snakes and snails. He told his mother, ''The snails were the nastiest.''

DeShon's passion to excel as a marine was clear to others. ''He was dedicated,'' says Ronald. ''He loved what he did. He wouldn't change it.'' Eventually, DeShon would recruit three of his friends and Ronald to join the Marines.

''He's the reason we signed up,'' confirms Ronald. ''He talked about it all the time. He would call a lot, let us know how it was.''

Ronald looked up to his brother DeShon, who was four years older, and Ronald also played football at North Hardin High School. After enlisting, Ronald entered the school of infantry. DeShon would call his little brother often to encourage him and give him advice.

By that point, DeShon was calling from Ramadi, Iraq, site of some of the toughest fighting against the terrorists. Lieutenant Colonel Paul Kennedy, his battalion commander, has said that ''within the blink of an eye, the situation [in Ramadi] went from relatively calm to a raging storm.''

Lance Corporal Otey joined the 2nd Battalion, 4th Marine Regiment, made up of tough, battle-hardened warriors. Their motto is ''Second to None,'' and the battalion patch they wear on their shoulders proudly declares them to be ''The Magnificent Bastards.''

Lance Corporal Otey was a star in this elite unit. And he became well known as a survivor of one of the most brutal battles the 2nd Battalion, 4th Marine Regiment would ever see.

On the morning of April 6, 2004, terrorists walked through Ramadi's marketplace, telling shopkeepers to close their stores and warning them, ''Today, we are going to kill Americans.'' That day they ambushed marines in four separate, but coordinated, attacks.

Lance Corporal Otey was part of a squadron sent in to support another group of marines that was under attack. He and seven other marines entered the combat zone in a green humvee.

Suddenly terrorist snipers on the rooftops opened fire. Bullets pierced the humvee, killing driver LCpl Kyle Crowley and sending the vehicle tumbling onto its side.

''I remember when we got to our objective I started to hear 'tink, tink, tink,''' Lance Corporal Otey later told the Marine Corps News. ''I was like, 'Man, we're being shot at. Get out of the vehicle.'''

Lance Corporal Otey leapt out and took cover behind a wall, calling out to his fellow marines to do the same. Bullets whizzed by him—one even went through his pants leg—but none hit him. Amazingly, a hand grenade thrown at his feet did not go off.

Lance Corporal Otey returned fire and eventually more reinforcements came and successfully squelched the terrorists' attack. Otey was the only survivor of all the men who had been in his humvee.

In all, 16 marines were killed in the battle, and 25 wounded. But marines seized several hundred weapons systems from the enemy and killed over 250 anti-American fighters.

Lance Corporal Otey called his mother later to tell her about the epic battle and that he was ok. During their conversation, she could hear several people congratulating her son for a job well done.

One of the screenwriters of the Mel Gibson film ''We Were Soldiers'' even flew to Iraq to hear Lance Corporal Otey's story, telling him it might be used for a movie.

Still, this was little consolation for the loss of his Marine brothers. ''I talk with some of the other guys in the platoon about what happened, but it still hurts,'' Lance Corporal Otey told a newspaper afterwards.

Using the Marine term for a sleeping bunk, he continued, ''Every time I walk into our living space I see the empty racks. Those were guys I used to talk to about my problems. Now I don't hear their voices anymore.''

Tragically, Lance Corporal Otey's rack would go empty less than 3 months later.

Lance Corporal Otey was buried with full military rites in Cave Hill Cemetery in Louisville. Robin Mays points out that DeShon lies next to a World War II veteran and a Korean War veteran, and 10 graves away from his grandmother, Mrs. Mays's mother.

Nothing can turn this sad story into a happy one for Lance Corporal Otey's family. But there is one more chapter to tell. Two years after Lance Corporal Otey's death, marines in Fallujah killed two terrorists, a sniper and a spotter, who were preparing to shoot at marines. The sniper was using an M–40–A–1 rifle that had been taken from Lance Corporal Otey's team that fateful day in June 2004.

The marines returned the rifle to Lance Corporal Otey's battalion, and Lieutenant Colonel Kennedy hopes to make it a memorial to Lance Corporal Otey and all the members of his battalion who were killed in Iraq. And he believes the chances are strong that the terrorists found with this weapon were among the ones who killed Lance Corporal Otey.

Our prayers go out to Mrs. Robin Mays for the loss of her son, and we thank her for sharing her memories of DeShon with us. DeShon's stepfather, Larry Mays; his brothers, Ronald and Domenique; his stepsisters, Mykeba Woods and Shauna Mays; his aunts, Terri Able and Cynthia Williams; his uncles, Ronald Jeffries and Dwayne Able; his grandmother, Betty Williams; and his step-grandmother Gracie Mays are in our thoughts today as well.

DeShon's brother Ronald is now a lance corporal in the Marines, currently stationed in North Carolina. He has a son who's just 19 months old, and born a year to the day after Lance Corporal Otey was buried on July 3, 2004, a day the city of Radcliff dedicated to him. Ronald named his son DeShon after the uncle he will never meet.

No one could ever repay Lance Corporal Otey's family for their loss. But we can honor them today by giving his sacrifice the reverence and respect it deserves. And we can promise that his country will never forget his service.

But I suspect that the greatest tribute to DeShon will be the little boy who will grow up bearing his name. Let's not let that child ever doubt that his uncle was a hero.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

IRAQ

Mr. WHITEHOUSE. Mr. President, first let me extend my condolences to the Republican leader and to the people of Kentucky for the loss of their courageous native son.

Mr. President, I rise this morning because in recent days we have learned, to our great dismay, that this administration has let one of our most sacred promises go unfulfilled.

In Rhode Island last week I visited veterans convalescing at our VA hospital in Providence. On Tuesday, members of Rhode Island's branch of the Disabled American Veterans came to talk with me in Washington. They came to appeal for those returning from the war in Iraq.

Of course, there are many brave veterans whom I have met with throughout my State over the past several years at American Legion posts, senior centers, Fourth of July and Memorial Day parades, and at our many community dinners in towns all over Rhode Island. They were men and women, young and old. They served in our Nation's wars from World War II to Vietnam to the conflict in Iraq. Like the DAV members I met yesterday, they wanted us to hear what they had to tell us: the infuriating truth that we are failing to support our troops as they return from Iraq and Afghanistan.

When we ask ordinary men and women to do the extraordinary and stand up and serve in harm's way, we know that we can never fully repay what they and their families have given us. The service of Lance Corporal

Otey, which we just heard about from the Republican leader, certainly emphasizes that point. But we can surely pledge to these men and women that we will give them what they need in the field, and when their service is ended we will care for them adequately. Breaking that promise is a dishonor to them and to their sacrifice, and it is not supporting our troops.

I believe—as do many of my colleagues—that the best way to support our troops would be to deploy them back out of Iraq and define a more sensible and responsible strategy against terror. Some on the other side of the aisle have claimed our calls for a new strategy in Iraq mean we do not support our troops. This argument is truly horrible, thoroughly false, and I hope people watching can understand how it shows the depths to which this debate has plummeted.

To add on that for a moment, I say that not because on this side of the aisle we are too thin-skinned to take a shot in the give-and-take of politics. That is the nature of what we signed up for. That is not what this is about. What this is about is that the battle of slogans we are seeing over this important issue for our country right now displaces the exchange of ideas and a thoughtful and realistic discussion of what our new strategy options are, and in that sense it greatly disserves the American people.

Let's judge the support for our troops within this Chamber and within the administration by real actions, not inflammatory and phony rhetoric. By that measure, it is fair to question whether the Bush administration and those in this Chamber who support the President's Iraq policy truly understand the need of America's veterans—men and women fighting in Iraq—and those who will soon join them there as this President escalates this conflict.

We want our troops now in Iraq to come home safely. They want to send tens of thousands more there. They have sent them without adequate support personnel, equipment, or armor. Indeed, during the course of my campaign to come to this place, I heard from mothers who had to go into their pocketbooks to pay for body armor for sons and daughters headed for Iraq because they could not count on this administration to provide them that basic need.

Also, we have sent them without adequate assurance that should they be injured in the line of duty, they would be properly cared for when they return. That is not supporting the troops. In America, we have the best doctors, nurses, facilities, and medical equipment. From combat medics to VA hospitals, the military can and does provide our Active-Duty military personnel and veterans with medical care that is second to none. But despite all this, our military and veterans health care system has a crushing, all-encompassing problem; that is, access to that care.

When service men and women enter the VA system, too often they begin a long, uphill battle for access to the care and benefits they need to get well and rebuild their lives. The war in Iraq has triggered a flood of new veterans that risks overwhelming the VA system. Mr. President, 700,000 veterans of Iraq and Afghanistan are expected to enter the military and VA health care systems in coming years at a projected cost of as much as $600 billion.

According to the Army Times, the number of service members being approved for permanent disability retirement has ''plunged''—to use their word, ''plunged''—by more than two-thirds since 2001. The Army's physical disability caseload has increased by 80 percent since 2001. As it attempts to process new benefits claims in fiscal year 2006, the VA is experiencing a 400,000-case backlog. Veterans frequently wait 6 months to 2 years before they begin to receive monthly benefits.

These problems are especially acute in the area of mental health. More than 73,000 veterans of Iraq and Afghanistan treated by the VA since 2002 have been diagnosed with a potential mental disorder. More than 39,000 have been tentatively diagnosed with post-traumatic stress disorder, and 35 percent of Iraq veterans have sought psychological counseling within a year of returning home. But where the VA spent over $3,500 per veteran on mental health care back in 1995, it spends just over $2,500 today—a drop of close to $1,000 per veteran.

These are troubling statistics, but they fail utterly to capture our dismay at the reports published over the past several days in the Washington Post and Newsweek magazine of the unacceptable living conditions for outpatients at Walter Reed Medical Center and the stifling bureaucracy that blockades many veterans' access to care.

The Washington Post wrote of soldiers living in Walter Reed facilities infested with mold and mice, unable to get new uniforms to replace those cut from their bodies by military doctors in the field, forced to bring photos and even their own Purple Hearts to prove to file clerks that they, indeed, served in Iraq. Waiting months, as the VA processes benefit claims in what Marine Sgt Ryan Groves called ''a nonstop process of stalling,'' these soldiers and their families move from appointment to appointment and submit form after form, often to replace earlier forms already lost by the system. Many suffer, as we saw on television the other night on ABC, from brain injuries, from post-traumatic stress disorder, or from other mental health conditions, but Walter Reed's outpatient facilities lack sufficient mental health counselors and social workers to help them navigate the system.

The Post tells us many Walter Reed outpatients now face ''teams of Army doctors scrutinizing their injuries for signs of preexisting conditions, lessening their chance for disability benefits.'' Veterans often must navigate this convoluted system alone, carrying stacks of medical records from appointment to appointment. The Post quoted Vera Heron, who lived on the post for over a year helping care for her son. Here is what she said:

> You are talking about guys and girls whose lives are disrupted for the rest of their lives, and they don't put any priority on it.

The care of our veterans returning home from Iraq should be among our Nation's highest priorities. For these soldiers and their families to feel as forgotten and abandoned as they do means simply that this administration is not serving them as it should. It is not serving them as they served us. It is not supporting our troops.

The Air Force Times just reported that soldiers at Walter Reed have now been told not to speak to the media and that the Pentagon has—and this is a quote—''clamped down on media coverage of any and all Defense Department medical facilities . . . saying in an e-mail to spokespeople: 'It will be in most cases not appropriate to engage the media while this review takes place,' referring to an investigation of problems at Walter Reed.''

This administration cannot and must not just bury its failure to support our troops behind a muzzled spokesperson cadre. I commend our Armed Services Committee, including my senior Senator, Rhode Island's JACK REED, for that committee's announced hearing on conditions at Walter Reed Hospital. I hope they will be relentless in their investigation.

My colleagues and the constituents we represent wholeheartedly support our troops and our veterans. Anything else one hears is a lie. We believe it is time for our soldiers to redeploy out of Iraq because we believe that is our Nation's best strategy forward in the Middle East and to combat terror. But we also believe that as they serve and when they get home, we must make good on our promises—our promise to train and equip them in their service and our promise to care for them in their injury and illness. It is our obligation to do this. In the face of all we have heard and seen, that obligation, like so many others, has been failed by this administration. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid amendment No. 275, in the nature of a substitute;

Collins amendment No. 277 (to amendment No. 275), to extend the deadline by which State identification documents shall comply with certain minimum standards; and

Bingaman-Domenici amendment No. 281 (to amendment No. 275), to provide financial aid to local law enforcement officials along the Nation's borders.

Mr. LIEBERMAN. Mr. President, this is the second day of our consideration of this important legislation that came out with a bipartisan vote of 16 to 0, with one abstention, from our Homeland Security and Governmental Affairs Committee. As its title makes clear, this bill is aimed at finishing the job, completing the mission the 9/11 Commission gave us to secure the American people while at home from potential terrorist attack post-9/11.

We had some good discussion in the opening day yesterday. We adopted by voice an amendment offered by the Senator from California, Senator FEINSTEIN, which improved the security elements of the so-called visa waiver program, and we adopted in rollcall votes two amendments by Senator DEMINT and another by Senator INOUYE which would codify the existing regulatory framework that creates the Transportation Worker Identification Card, TWIC. This is the system by which, again post-9/11, we are doing things we never thought we would have to do. Then again, we never thought we would be attacked by terrorists at home, striking against civilians using elements of our own commercial society, in that case planes, to try to destroy us.

So here we are with these two amendments now that would codify the screening process by which we aim to assure that those working at our docks, and this will be extended more broadly over time to transportation sectors—there is a card now that exists for aviation-related facilities—to make sure that we have done some screening to see that the people who are now working behind the scenes or even in front of these transportation nodes, which have now in this age become potential targets of terrorists, will be people whom we have reason to trust with that now very sensitive responsibility.

We return to the bill this morning, and we are moving ahead. There are several amendments that I know are being discussed. We have an amendment my ranking member, Senator COLLINS of Maine, filed regarding the so-called REAL ID Act that is pending. There are other amendments that are being discussed.

I would advise my colleagues and their staffs, if they are hearing this at this moment, that the floor is open. We gather that Senator SCHUMER and Senator MENENDEZ may be coming over with an amendment early this afternoon dealing with port security, but there is nothing before us now. If you have an amendment, this would be a good time to bring it over.

Mr. President, I note the presence of my friend and colleague from New Hampshire, Senator SUNUNU, on the floor, and I yield the floor to him at this time.

Mr. SUNUNU. Mr. President, I rise to speak about an issue that was raised by the amendment offered by Senator COLLINS to this homeland security bill dealing with the REAL ID Program, a program that is ostensibly designed to improve standards for security and eligibility for a driver's license. One of the recommendations of the 9/11 Commission, was that America needs to find a way to improve the issuance of driver's licenses, a process which takes place daily in States all across the country and produces a form of identification used for various purposes, in order to ensure that this system is as secure and consistent as it can possibly be.

I very much support those recommendations. In fact, in 2004, Congress sent to the President an intelligence reform bill that included a new, strong, well-defined process for improving those standards for security and eligibility, a negotiated rulemaking process, that brought the interested parties together.

Who are the interested parties? States that issue the driver's licenses, the motor vehicle departments we have all visited from time to time, the privacy advocates, the Department of Homeland Security, and other groups. All those entities that have a shared interest in improving the way driver's licenses are issued, improving the standards for eligibility, improving standards for security and verification so that fraudulent activity is more easily identified and prevented.

It was a good process, a sound process, but, unfortunately, as Senator COLLINS and others have pointed out in this debate, back in 2005, during a debate on an appropriation bill, there was a provision included that struck down this negotiated process, that cut the States out of the process, that superceded all those efforts and simply said to the Department of Homeland Security, the Federal Government, you decide the standards, you decide the criteria, and then simply require the States to comply.

In Washington ''speak,'' that is called a big unfunded mandate, a mandate from the Federal Government for the States to do something without any support of funds to actually implement the decision. It is never a good idea to impose such a stark unfunded mandate. Equally important, that kind of federalized process takes away an important responsibility that the States have historically had and I believe they should maintain.

We shouldn't be taking away the responsibility of the States to issue driver's licenses. We shouldn't be taking away the responsibility for managing this information. We want to make this a better process, we want to improve those standards, but we should not be cutting the States out and moving toward a national identity card system, which I think is fundamentally unnecessary.

Senator COLLINS, recognizing these flaws in the REAL ID Program, came forward with an amendment that at least moves us back toward a rulemaking that listens to the States, that listens to local stakeholders, that listens to the departments of motor vehicles across the country. I think at the end of the day that kind of an inclusive process will result in better standards that are less costly, that are more easily implemented, and that ultimately can be carried though more quickly than any unfunded Federal mandate ever could.

Senator AKAKA and I have introduced legislation to fully repeal the REAL ID Act and bring us back to the negotiated rulemaking that we had in 2004. I think that would be the best solution because the applicable provisions of that 2004 intelligence reform bill were well crafted, well thought out, supported by both the States and the Federal Government, and made great progress. But what Senator COLLINS has proposed, in delaying the implementation of these rules and bringing back State participants, privacy advocates, and other stakeholders, is certainly a step in the right direction. I very much hope the administration is committed and sincere in the statements they have made that they understand that States need to be a part of this process.

I support very much what Senator COLLINS is trying to do. I hope as our colleagues listen to this debate they recognize that improving security and eligibility standards for driver's licenses does not mean that we have to take rights and responsibilities away from the States. It does not mean that we have to create a national ID card. It does not mean that we have to have a national database on every driver in America. We can do these things in a way that respects the rights of States, that makes us all more secure, and that is consistent with the 9/11 Commission report.

I thank both the chairman and the ranking member for allowing me the time to speak. I certainly hope that we continue to proceed to adopt the Collins amendment or provisions similar

to the Collins amendment, and I will certainly continue to speak out on this issue with my colleagues, such as Senator AKAKA and Senator ALEXANDER and others, who recognized, not this year or last year but back in 2005 when this program was forced upon us, that REAL ID simply does not take America in the right direction.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, let me begin my comments this morning by commending the Senator from New Hampshire for his hard work and vigorous advocacy on this issue. He has been a very early voice, pointing out the unfairness of this unfunded mandate on the States, unfunded mandates that the National Governors Association estimates may cost $11 billion over the next 5 years. He has also raised very important concerns about the privacy implications of some of the provisions of the REAL ID Act.

He was a strong supporter of the approach that we took in 2004 as part of the Intelligence Reform Act when we set up a negotiated rulemaking process which would bring all of the stakeholders to the table—State governments, Federal agencies, privacy advocates, technological experts—and clearly that would have been a far better way to proceed. The Senator from New Hampshire is one of the Senate's foremost advocates for privacy. He has brought that issue up, and his concerns about privacy and civil liberties, on other legislation such as the PATRIOT Act that has been before the Senate. I thank him for his leadership on this important issue.

I do have some good news to report to my colleagues about the pending regulations for the REAL ID Act. As many of my colleagues are aware, one of the problems that the States have had is the Department of Homeland Security had yet to issue the regulations giving States the detailed guidance on how to comply with the REAL ID Act. This is a major problem for the States because of the looming deadline of May of next year by which time they are supposed to be in full compliance with the law, despite the fact that the regulations had not been issued. It was that concern, the long delay by the Department, the cost and the complexity of the task, and the privacy and civil liberty implications that led several of us to come together and offer an amendment that would have a 2-year delay in compliance with the REAL ID Act.

I am pleased to inform my colleagues that as the result of some rather spirited negotiations with the Department of Homeland Security that the Department will announce later today regulations that would give any State that asks an automatic, virtually, 2 years—it could be more than 2 years in some cases—but a 2-year delay in the requirement to comply with the REAL ID Act. This is significant progress. The Department has finally recognized that it simply was unfair to impose this burden on the States, to set such an unrealistic compliance date when the Department had failed to issue the regulations. So the Department will be announcing today that any State that seeks an additional 2 years to comply with the regulations will be granted that extension. This is major progress.

In addition, the Department will announce that it will reconvene the members of the negotiated rulemaking committee that was established by the 2004 Intelligence Reform Act and subsequently repealed by the REAL ID Act to come together and to comment on the Department's regulations. Again, this reflects a major principle in the Collins amendment: that we should have a 2-year delay to allow for additional compliance time but that we should also reconvene the negotiated rulemaking committee, the committee that is comprised of State officials—in fact, Maine's own secretary of state was one of the officials on the committee—and privacy experts, technological experts, all the stakeholders would be reconvened to formally review the proposed regulations and provide the Department with the benefit of this committee's insight.

That is what should have happened in the first place but, certainly, given where we are now, this is another very positive step that the Department is taking. It reflects the principles in the amendment that I and others offered yesterday. It is obvious that the pending amendment provided a great deal of impetus for the Department to undertake these revisions in the proposed regulations.

These two major concessions by the Department—the extension for compliance and the reconvening of the negotiated rulemaking committee—are major steps forward, but they do not solve all of the issues and all of the problems with the REAL ID Act, the biggest of which is the huge cost of compliance. Along with Senator ALEXANDER and others—Senator SUNUNU, Senator CARPER, Senator AKAKA, and others who had been active on this issue—I am pledging today to continue to work very closely with our State leaders and with the Department of Homeland Security to calculate what the actual costs of compliance are going to be—that is going to be easier to do now that the regulations are finally being issued—and to work to try to find some funding to assist States with the cost of compliance.

To date, Congress has only appropriated about $40 million to help the States comply with the REAL ID Act, and the Department, I am told, has only allocated about $6 million of that $40 million. So there is some additional money in the pipeline, but if in fact the cost is as high as the National Governors Association and the National Conference of State Legislatures estimate, that $40 million is a drop in the bucket. The 5-year cost estimated by the NGA is $11 billion. Clearly, if the costs do prove to be in that neighborhood, if they are that high, we have an obligation to come forward and assist the States in the cost of compliance. It can be a shared responsibility, but surely, since we imposed the mandate, we should be providing some of the funding that is needed.

I am very happy the amendment that I and several of our colleagues have offered has prompted the Department to take a second look at its regulations, to realize that it was simply unreasonable to expect the States to comply by May of next year when the Department has been so tardy in issuing the regulations. And I am pleased that the Department has changed its mind. I thank Secretary Chertoff for working closely with me and for listening to all of us who were raising these concerns—that it was simply unreasonable to expect States to be in full compliance by May of next year when they did not have the detailed guidance from the Department.

I am also very pleased the Department is going to reconvene the negotiated rulemaking committee members. That will give the Department further input and insights and improve the quality of the final regulations.

There is still much work to be done, particularly in the funding area, but this is certainly great progress, a welcome development, and a major step forward by the Department. I again thank Secretary Chertoff for working so closely with me.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I congratulate Senator COLLINS for her leadership and for having created a context in which the administration now has come forward, finally, with the regulations pursuant to the so-called REAL ID Act, which does create some flexibility for States to comply with the requirement but also doesn't eliminate it because it is an important one. This is in the nature of this glorious governmental system of ours, the wisdom of the Founders more than two centuries ago to create the checks and balances. The legislature acts, Congress acts, the executive branch begins to work on implementation, States—this could actually be a textbook. Incidentally, I said to my friend I cannot say enough that it was my honor, too many years ago, in teaching a course at Yale to have the current occupant of the chair, the Senator from Ohio, Mr. BROWN, as my student. He learned very well. He taught me a lot, actually, as time went on. This sounds like we are back in the classroom talking about the relationships in government.

It was, I believe, the advocacy of Senator COLLINS that produced a reasonable result without the need for a specific legislative action. I do want to go back and set this in context because the overall purpose is a critically important one to the quest for homeland security. The 9/11 committee found that all but one of the 9/11 hijackers,

the terrorists who attacked us that day, obtained American identification documents, some—I hate to use the word, but—legally, which is to say they complied with the requirements for that identification, and then some others by fraud. The 9/11 Commission recommended that the Federal Government set standards for the issuance of driver's licenses and identification cards.

Driver's licenses are the most commonly used form of personal identification by people in this country. For a long time, what was identification about? It was simply that—maybe for credit purposes, maybe to get into a facility. Now identification is loaded with tremendous implications for security and abuse that go beyond financial fraud, which is what we were primarily concerned about before.

The 9/11 Commission made this recommendation for national standards for driver's licenses and other forms of ID cards. They saw it as important to protecting the Nation against terrorism post-9/11 because often—it is very important to think about this—ID cards are the last line of defense against terrorists entering controlled areas such as airplanes or secure buildings. Obviously, it is important that we know exactly who those people are, that they are what the card says they are, and that they haven't obtained that card through fraud.

In 2004, as part of the legislative effort successfully completed to adopt the proposals of the 9/11 Commission and put them into law, Senator COLLINS, Senator MCCAIN, and I drafted provisions to implement this recommendation of the 9/11 Commission. I am pleased to say that we did so with input from both sides of the political aisle and all interested constituencies to increase security for issuing driver's licenses. Our language was endorsed by State and local governments, by the administration, and by a range of immigration, privacy, and civil liberties advocacy groups. In fact, our provisions to create national standards for State issuance of driver's licenses were enacted into law as part of the 2004 intelligence reform legislation.

In 2005, beginning in the other body, so to speak, the House of Representatives, the REAL ID Act was included in a supplemental appropriations bill providing emergency funding for our troops. The REAL ID Act repealed the provisions I have spoken of that Senator COLLINS, Senator MCCAIN, and I and others had put into the 9/11 legislation the previous year. In place of what I still believe was our workable and balanced program, which would have achieved the aims the 9/11 Commission gave us, the REAL ID Act imposed very difficult and, in some cases, unrealistic and, of course, unfunded requirements on States to verify identification documents by plugging into a series of databases that require technological changes that are expensive and, as is happening right now, delaying the actual implementation of a national set of standards which would have guaranteed us that driver's licenses and other ID cards are more secure.

The fact is, REAL ID obviously, if it did not have this escape valve opened up as a result of Senator COLLINS' work, would slow down the issuance of driver's licenses to everyone and, I fear, might even increase the risk of identity theft. Notwithstanding that, if I had my druthers, as they used to say, I would go back to the provision we had in the original 9/11 legislation, but we are not there. The REAL ID Act is law, and it is beginning to be implemented.

The most important thing we can do is not pull away from the goal which remains critically important to our national security in the war against the terrorists who attacked us on 9/11 and want to do it again; that is, to make sure our driver's licenses and other forms of identity are tamper-proof and real.

We have now struck a balance, with the initiative of Senator COLLINS and others and the response of the Department of Homeland Security this morning. We still have the goal, and we are going to implement it in a more balanced and reasonable fashion. But it is critically important not to move away from the goal. The goal is fundamental to the security of each and every American. Yes, it is going to be a little harder to get the driver's license but not a lot harder. What it is going to mean to everybody is that we can feel more secure when we get on a plane, when we go into a secure building, when we just move about enjoying the freedom and way of life we are blessed to enjoy as Americans.

I thank Senator COLLINS for her leadership and the good result. I remind colleagues that the floor is open for business. We welcome amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 291 AND 292 TO AMENDMENT NO. 275, EN BLOC

Mr. SUNUNU. Mr. President, I have two amendments at the desk. I ask unanimous consent that the pending amendment be set aside and that the two amendments I have at the desk be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes amendments numbered 291 and 292 en bloc to amendment No. 275.

Mr. SUNUNU. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

AMENDMENT NO. 292

(Purpose: To expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others)

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

Mr. SUNUNU. Mr. President, I offer this morning two amendments that expand on the work we did in the Commerce Committee dealing with the implementation of September 11 recommendations; in particular, in the area of interoperability, meaning, quite simply, the continued effort of State, local, and Federal law enforcement to put in place communications systems that work reliably, effectively, robustly, and that work effectively with one another.

The first amendment deals with the grant programs which have been established in law already and which are expanded under the legislation before us. Those grant programs support the purchase of equipment to expand and improve our interoperability for homeland security purposes. It is essential that we make sure that to the greatest extent possible, we look at all available technologies for meeting these goals—in particular, we make sure we don't preclude any funding from going to the Internet-based or IP-enabled services and software and communications systems that are more and more a part of our daily lives. Members of the Senate are often seen roaming the hallways of the Capitol with their Blackberrys, for example. More and

more, these devices operate like a Palm or a Treo, using IP-enabled systems. These systems are improving. They are getting more robust. They are becoming ever more reliable.

The language I offer today simply states that those IP-enabled technologies which can help improve interoperability should not be precluded from receiving funds under any of the grant programs in this legislation. We have such language already that applies to the NTIA which is under the jurisdiction of the Commerce Committee, but I want to make sure that language is included throughout the bill. I don't think we should be picking technological winners and losers, but we want to make sure some of the most promising technologies out there at least are put on a level playing field with older alternatives.

The second amendment I offer deals with the issue of cross-border interoperability, which simply means communications in areas of the country where we border a foreign country. The northern part of the country—New Hampshire, Maine, Vermont, New England States—shares a border with our neighbor Canada, and there are certainly issues in the southern part of the country with our neighbor Mexico. But there are always questions about awarding or distributing spectrum channels for communication that would be used by State or local homeland security or law enforcement issues in those border areas because we don't want to engage in policies that unnecessarily interfere with the efforts of the communication of our foreign neighbors. Unfortunately, there have been a lot of delays in making spectrum available in those cross-border areas.

We have language again in part of the bill that I included in the Commerce Committee that applies to the FCC to look at the issues associated with awarding spectrum for cross-border interoperability, to find out why there have been delays, find out what can be done to accelerate this process, so in those parts of the country that are affected by cross-border interoperability, we can serve law enforcement effectively. We have some reporting requirements to look at this issue within the FCC.

My second amendment would extend that language to ask the State Department, which has obvious responsibility in maintaining and improving our relations with foreign countries, to also look at these questions.

So these are the two amendments. They expand on work that was accepted in a broad, bipartisan consensus in the Commerce Committee. I hope my colleagues will have an opportunity today to look at these amendments. I sincerely ask for their support.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire. These sound like two very constructive, sensible amendments. We will take a look at them and be in touch with him. But I am optimistic we will want to support these amendments. They improve the basic architecture of the bill, and particularly in the critical area of establishing programs of Federal support for the first time that will enable States and localities, consistent with a plan—not just willy-nilly but consistent with a plan—to finally make communications interoperable so our first responders can talk to one another in times of crisis.

I thank my friend from New Hampshire for his initiative.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to let the Senator from New Hampshire know we are reviewing his two amendments. Based on what he told me, I, too, am inclined to agree to them, and I will be working with the Senator from New Hampshire and the Senator from Connecticut to try to get the two amendments cleared.

I certainly appreciate, coming from a border State, the concerns the Senator from New Hampshire has about U.S.-Canadian issues that might affect interoperability of communications equipment. That has been an issue for us in Maine as well.

I look forward to working with him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Ms. COLLINS. Mr. President, shortly, I am going to ask unanimous consent to withdraw the Collins amendment No. 277, which is cosponsored by Senators ALEXANDER, CANTWELL, CARPER, CHAMBLISS, MIKULSKI, MURKOWSKI, and SNOWE. It also has received support from Senator SUNUNU this morning, who was very eloquent in his comments about the implementation of the REAL ID Act.

I ask to withdraw my amendment in light of the tremendous progress we have been able to make with the Department of Homeland Security over the last 24 hours in convincing the Department to modify the regulations which it is releasing today to allow about 2 years of additional time for compliance with the REAL ID mandates and also to reconvene the negotiated rulemaking committee to take a look at those regulations and provide their insights and input to the Department so the Department can take them into account in issuing the final regulations.

Now, I consider this to be tremendous progress. It is a very welcomed development. The Department's actions reflect the two primary objectives I outlined yesterday for my amendment: first, to give the Federal Government and States the time and flexibility needed to come up with an effective system to provide secure driver's licenses without unduly burdening the States and, second, to involve experts from the States, from the technology industry, as well as privacy and civil liberty advocates—to bring them back to the table and give them a chance to work on these regulations and to improve them.

I am very pleased to say over the course of the past week our amendment has received a great deal of support from a number of sources. The National Governors Association praised our amendment for providing States:

> a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

The American Federation of State, County and Municipal Employees, in a letter to all Senators that was sent on February 27, said:

> We strongly urge you to support an amendment offered by Senator COLLINS that would delay implementation of requirements under the REAL ID Act. . . .

The letter goes on to outline the organization's concerns about the costs to States, the capacity for States to meet the REAL ID requirements, and privacy issues and concludes:

> The Collins amendment provides the opportunity to address these matters.

Similarly, the National Conference of State Legislatures, the NCSL, with which we have worked very closely, in a statement on February 20, said this legislation would help ''address state concerns over the Real ID Act. . . .''

To this support has been added the voices of Senator ALEXANDER, Senator CHAMBLISS, Senator SUNUNU, and cosponsors on both sides of the aisle. One of the very first cosponsors is a former Governor who understands very well the implications for States of complying with the REAL ID Act. That individual is Senator CARPER of Delaware.

So we have been able to build a broad bipartisan coalition, and that gave us the strength to prompt the Department of Homeland Security to make the changes as a result of recent, extended discussions with the Department. As a result, we can now say the primary concerns we have addressed with our amendment have been addressed in the Department's proposed regulations.

In the regulations being announced this morning, the Secretary of Homeland Security will commit to granting a waiver to any State that asks for it through December 31 of 2009. States will not be required to make a complicated case for the waiver. The Secretary has recognized the delay in the Department's promulgation of the draft regulations is reason enough to give States an additional 2 years before they need to begin producing REAL ID-

compliant driver's licenses. I am pleased the Department has taken this step.

In addition, the Department has agreed, as I have mentioned, to invite the members of the negotiated rulemaking committee—which was created by the 2004 Intelligence Reform Act, and subsequently repealed by the REAL ID Act, just when they were making great progress—to come to the Department and discuss, in person, their specific concerns about the regulations. The provisions announced today are in line with the need for more time and the inclusion of all interested parties that were the two primary goals of our amendment. These provisions, of course, are part of a much larger regulation that will take us time to review, to consult with the States on, and to comment on. I am going to follow closely the whole notice and comment period. I am sure I will be suggesting changes to the regulations, and I will be working closely with the negotiated rulemaking committee to make sure the regulations are modified further down the line.

I am under no illusions that there are not further issues which need to be addressed about the REAL ID Act. We must look closely at the concerns that privacy advocates have raised about potentially having interlocking databases among the States so that information is shared. There are a lot of questions, such as who would have access to that information, how secure it would be, and how correct it would be. There is a lot of work to be done.

Most of all, we need to get an accurate estimate of how much this program is going to cost the States and how we can help them bear those costs. This does remain a huge unfunded Federal mandate on our States. The NGA, as I have said several times, has estimated the cost at $11 billion over the next 5 years. That is an enormous burden for States to bear.

We also have to determine if the technological demands that will be imposed on States by these regulations are, in fact, feasible. But I am very pleased to note that our efforts with the Department have achieved the goals that we set out in offering our amendment. There is further work to be done on the REAL ID Act, but we certainly have made tremendous progress over the past 24 hours.

I thank all of the cosponsors of the bill: Senators ALEXANDER, CARPER, CANTWELL, CHAMBLISS, SNOWE, MIKULSKI, and MURKOWSKI for their strong, bipartisan support, and I thank all of the outside organizations, including the Governors and the State legislatures, who have worked so closely with us. I hope we will continue our partnership as we make real progress in improving the REAL ID Act.

AMENDMENT NO. 277 WITHDRAWN

Mr. President, at this time, recognizing the tremendous progress we have made, I ask unanimous consent that amendment No. 277 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, again, I congratulate Senator COLLINS for having achieved the purpose of her amendment without having to put it formally on the bill, and I look forward to seeing the Department move ahead in a more cooperative way with the States to achieve the purposes that the 9/11 Commission set out, which is to make the ID cards more secure to protect the rest of us Americans from those who would abuse those identity cards. It is a great accomplishment for my friend from Maine.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. HATCH. Mr. President, today I rise to voice my strong opposition to section 803 of S. 4 and urge my colleagues to join me in advocating its removal from this important piece of legislation.

What is section 803? This provision would permit TSA's transport security officers, our Nation's airport security screeners, to engage in collective bargaining, a change that was not among the recommendations of the 9/11 Commission. Let me repeat that: it was not among the recommendations of the 9/11 Commission.

At first, some may look at it and say: Why not? The professionals at TSA are Federal employees. As such, they cannot strike. They can already join a union, so why not permit collective bargaining?

As a former union member and one who believes in collective bargaining as a general rule, I can see why many believe that such a request is reasonable. Unfortunately, as much in life is, the devil is in the details.

The fact remains that we as a nation are at war. Through the hard work and dedication of our Armed Forces and civil servants such as those at TSA, our Nation has, so far, been spared further tragedies such as those that occurred on September 11, 2001. However, our past success must not lull us into a false sense of security. Those who wish to undermine and even destroy Western civilization have been beaten back but still remain a potent adversary. Al-Qaida is a sophisticated enemy which searches for our weaknesses and attempts to devise ways to exploit our vulnerabilities. The surest way to play into their hands is to act in a ''business as usual'' manner. In order to defeat this enemy, we must be nimble, we must constantly change our tactics and strategies, and we must be flexible and unpredictable.

That is why the American people demanded that we create the TSA. The people saw that our Nation required a professional Government agency whose primary purpose is to keep the traveling public safe, an agency that consists of experts who can identify terrorists and their plots before they board an aircraft or other mode of transport.

So what has this to do with the ability of TSA employees to engage in collective bargaining? If one looks at the details, it has everything to do with TSA's ability to keep several steps ahead of the terrorists. We all know one of the central aspects of any collective bargaining agreement is setting the conditions by which an employee works. When a person works, where they work, and how they work are matters which are open to negotiation. Obviously, efficiency and productivity, for better or worse, can be dramatically affected by a collective bargaining agreement.

So how would this affect TSA's operations? One must remember the events of this past summer. In August, the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage. Within 6 hours, due to their professionalism and the current flexibility of their work structure, TSA's Transportation Security Officers were able to make quick use of this highly classified information and train and execute new security protocols designed to mitigate this threat. In six hours that is impressive.

In contrast to this history of success and impressive performance, the possibility of collective bargaining only raises questions and uncertainties. For example, should the Government have to bargain in advance of what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Remember, before the events of September 11, what rational person would have thought of using a commercial aircraft as a suicide bomb? What other heinous act might occur that we have not contemplated? Remember, this is an enemy that uses surprise.

Other questions come to mind. If timely intelligence is gathered that requires an immediate change in TSA's operation, does the Government have to inform a private entity such as the union? Do we not wish to preserve the maximum level of flexibility not only to catch terrorists but to provide a secure situation where the business of the Nation can continue unmolested?

Another example of the flexibility of the current system can be found during this winter's snow storms in Denver. Local TSA officials were overwhelmed by the influx of stranded and newly arriving passengers. The agency responded by deploying 55 officers from

the mountain State region, including, I am proud to say, my own home State of Utah, so that security screening operations were able to continue around the clock until the situation was resolved. Under collective bargaining, redeployments such as this could be hindered by red-tape and cumbersome procedures, greatly reducing the ability of TSA to respond efficiently and effectively to these eventualities.

It also raises the question, under a collective bargaining agreement, whether redeployment decisions might be subject to seniority rules rather than sending individuals with the proper skills. Is deployment subject to binding arbitration? If so, what effect will that have during emergencies?

Bureaucratic hurdles preventing the TSA from operating efficiently and effectively during a time of war are not the only problems created by section 803. The provision also would create an unacceptable drain of resources away from the TSA's primary mission, which is protecting the traveling public. Resources would be diminished because of the cost to implement and execute a collective bargaining agreement.

TSA estimates if this section were enacted, it could cost, in the first year alone, $175 million. Why? The agency would be forced to train its employees on union issues and employ labor relations specialists, negotiators, and union stewards. One must also remember that these funds will have to come out of the Department of Homeland Security's budget, a budget which is consistently criticized as being too small by my colleagues on the other side of the aisle.

So what do the taxpayers lose for that $175 million? Such a reduction in funding is the same as a loss of 3,815 transportation security officers, or 11.5 percent of the total workforce. It also equates to closing 273 of the 2,054 active screening lanes, which would be 12 percent of the current lanes. In terms that most of the frequent flyers in this body would understand, the loss of capacity to screen 330,000 passengers every day. Imagine that line

This is not to say that TSA employees should bear an unfair burden. Far from it. TSA employees, and especially transportation security officers, should be afforded just compensation and the safest possible working conditions. Some who advocate collective bargaining say transportation security officers have not been given a raise in four years. That is not accurate. TSA's pay scheme is based upon technical competence, readiness for duty, and operational performance. Accordingly, in 2006, TSA paid out over $42 million in pay raises and bonuses based upon job performance.

If a transportation security officer has a complaint, a grievance, or does not believe he or she has been paid properly, these are addressed through the agency's Model Workplace Program, where employees and managers form councils to address those concerns.

This does not mean that employees' due process protections for the resolution of employment issues have been sacrificed. Transportation Security Officers can seek relief from the TSA's Ombudsman Office and Disciplinary Review Board or from outside Government agencies such as the Equal Employment Opportunity Commission.

Another misconception is that transportation security officers do not have whistleblower protections. As a result of a formal memorandum of understanding between TSA and the U.S. Office of Special Counsel, all Transportation Security Officers now have this protection.

Others in favor of collective bargaining point to the Transportation Security Officers' attrition rate. Initially, this was a problem. However, the agency has addressed and is continuing to address this issue. I am pleased to report that the Transportation Security Officers' voluntary attrition rate of 16.5 percent is lower than comparable positions in the private sector, which are estimated at 26.4 percent.

Injury rates are decreasing.

The agency has worked hard to reduce lost time claims by 44 percent. Just in 2006, injury claims resulting in lost workdays have been reduced by 32 percent. This is not luck but part of a comprehensive strategy to look after the well-being and safety of transportation security officers. These safety initiatives include providing a nurse case manager at each airport, utilizing optimization and safety teams to create ergonomic work areas to reduce lifting and carrying heavy bags, and an automated injury claims filing process.

Another question some ask is, Since Customs and Border Protection Agents are permitted to engage in collective bargaining, why not Transportation Security Officers? However, when Congress created the TSA, the goal was to create a new organization that would meet the unique needs of our War on Terrorism—a modern organization that would have the maximum flexibility to protect the national security of the United States. This, of course, is the same charter as the FBI, CIA, and Secret Service. These agencies do not permit collective bargaining for this and other reasons.

Should we hold the TSA to a different standard despite the fact that securing our transportation systems is one of the most vital roles our Government can play? Is TSA perfect? No, of course not. But look at what has been achieved. Five years ago, TSA did not exist, and now we can all take pride in the agency and more importantly in its personnel who have done such a remarkable job in keeping our Nation safe. They deserve our respect, our thanks, and they deserve fair compensation. But in doing so, we must not undermine one of their greatest weapons in this war—their flexibility to change tactics and strategies at a moment's notice. Such a course of action could have a calamitous effect on our Nation.

Mr. President, as I previously mentioned, in general, I am a supporter of collective bargaining. However, in these times, we must not change a policy that could inadvertently jeopardize the lives of Americans.

I urge my colleagues to remove this section from the bill.

I see the distinguished Senator from Alaska is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank my colleagues, Senators LIEBERMAN and COLLINS, for working with the Commerce Committee to include important security measures in this bill. I am grateful to my great friend, Senator INOUYE, for his willingness to work in our committee on a bipartisan basis to develop and report these measures.

In the 5½ years since the horrific events of September 11, we have made many good improvements in the security of our Nation's transportation infrastructure and ensuring communications interoperability. Our job, however, is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we cannot become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which has been included in S. 4, will significantly enhance the ability of the Department of Homeland Security and the Transportation Security Administration to fulfill their missions. These provisions were developed by the Commerce Committee while mindful of the delicate balance between implementing tough security measures and the effects such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated in S. 4 were reported by our Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations and provide TSA with additional tools to carry out its layered approach to security. To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the United States by sea is screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent is designated for domestic passenger carriers.

Screening is of particular importance in Alaska. Anchorage, my home, is the

No. 1 airport in the United States for landed weight cargo, and it is No. 3 in the world for cargo throughput. Our provision would require TSA to develop and implement a system to provide for screening of all cargo being carried by passenger aircraft.

To address ongoing concerns about passenger prescreening procedures, the legislation requires the Department of Homeland Security to create an Office of Appeals and Redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the ''no-fly'' or ''selectee'' watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances but also upon improved security screening techniques employed by TSA screeners as well as the use of very effective canines. This legislation calls for TSA's National Explosives Detection Canine Team to deploy more of these valuable resources across the Nation's transportation network.

The bill we are considering also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which was also developed and reported on a bipartisan basis by our Commerce Committee. While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our transportation system, our surface transportation network, presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based upon risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUYE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last year as well as in the 108th Congress. Each time, however, the House of Representatives did not agree to the need to address rail, pipeline, motor carrier, hazardous materials, and other over-the-road bus security. The time has come to send these provisions to the President's desk. We are hopeful that the House will agree this time.

The substitute also contains provisions of the Commerce Committee's reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters, and emergency medical response personnel throughout the country need help in achieving interoperability. With this $1 billion program which helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long. The legislation addresses all of the public safety issues which have been brought to the attention of the committee. It also includes $100 million to establish both Federal and State strategic technology reserves to help restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

We should not politicize national security. The Commerce Committee's initiatives included in this bill are very important, and I urge their adoption.

Again, I appreciate very much the cooperation of the Homeland Security and Governmental Affairs Committee. We achieved the reported bills I mentioned from the Commerce Committee because of the bipartisanship in our committee. I hope this debate on this important bill before the Senate will continue in that same spirit. The American people really expect and deserve nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 298 TO AMENDMENT NO. 275

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendment be set aside, that I be allowed to offer and speak on my amendment, and that Senator MENENDEZ be permitted to speak after I do. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, reserving the right to object, I ask that the Senator amend his unanimous consent request so we can go back and forth on his amendment. I suggest that after he speaks, I be recognized, then Senator MENENDEZ, then Senator COLEMAN, and that we go back and forth on the amendment.

Mr. SCHUMER. I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SCHUMER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. MENENDEZ, proposes an amendment numbered 298 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen the security of cargo containers)

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. _____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

''SEC. 232A. SCANNING ALL CARGO CONTAINERS.

''(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

''(I) to identify the place of a breach into a container;

''(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

''(b) REGULATIONS; APPLICATION.—

''(1) REGULATIONS.—

''(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

''(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

''(2) PHASED-IN APPLICATION.—

''(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

''(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

''(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

''(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

''(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

''(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

''(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

''Sec. 232A. Deadline for scanning all cargo containers.''.

Mr. SCHUMER. Madam President, at the request of my colleague from Maine, who wishes to wait until Senator LIEBERMAN can come to the floor, I suggest the absence of a quorum.

Ms. COLLINS. Madam President, if we could withhold the request for a quorum, I thank the Senator from New York for his cooperation in this matter. I know the Senator from Connecticut is on his way.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise today to speak on an amendment offered by myself and my colleague from New Jersey to deal with 100 percent scanning of containers that enter our ports.

First, I wish to salute my colleague from New Jersey. He has been a stalwart leader on this issue while in the House and now in the Senate. It has been a pleasure to work with him side by side on something people on both sides of the Hudson River care so dearly about.

I rise today to call upon my colleagues to take action against one of the greatest risks that confront the United States. It is one of the very greatest, if not the greatest risk, and that is a nuclear weapon reaching our shores in a shipping container.

More than 11 million cargo containers come into our country's ports each year, but only 5 percent of these containers are thoroughly inspected by Customs agents. That means right now if, God forbid, a nuclear weapon were put in one of these containers, it could have a 1-in-20 chance of being detected. No American, certainly no New Yorker, likes those odds.

It means a terrorist could almost use any cargo container as a ''Trojan horse'' to hide a nuclear weapon or radiological material and bring it to the United States. We know terrorists have tried to purchase nuclear weapons and radiological materials on the black market. We also know the United States is a top target.

Let me be clear: a nuclear weapon does not have to enter the United States or leave our ports to cause death and destruction. Our major ports are also our major cities because so many of our cities, similar to New York, were founded and thrive on maritime trading. A terrorist group could simply detonate a nuclear weapon at the port terminal for the ship docks or even as the ship approaches the harbor. The devastation of a terrorist nuclear attack is literally unimaginable. A nuclear explosion in one of our major ports or one of our major inland cities—if such a weapon were smuggled into one of our ports and driven by truck to it, an Omaha or a Chicago or a Saint Louis—would cause enormous loss of life, both immediately and over time. It would inflict huge economic and physical damage, would render parts of the attacked cities unusable and unapproachable for decades, and would dramatically change life in this country forever.

We are also at risk of an attack with a ''dirty bomb'' that combines conventional explosives with radiological material. The consequences, while not as severe as a nuclear weapon, would also be horrific.

A nuclear or radiological attack by terrorists in our ports is a scenario that keeps me up at night. I worry about my children, my family, my friends, and then 19 million New Yorkers, and 30 million Americans. But the people running things at the Department of Homeland Security do not seem to be losing a wink of sleep over this. DHS gives us the usual delay and nay-saying that we have seen so often.

I have been talking about this issue for 5 years in this Congress. I have offered amendment after amendment, and every time people come back and say: Forbear. We will get it done. Well, it is now 2007. It is 5½ years after 9/11, and we are not close to doing what we should be doing—not even close.

I am tired of all the excuses and delay and, frankly, lack of focus—proportionate focus. I am tired of the lack of proportionate focus the Department of Homeland Security gives to this issue. If we all agree this is one of the greatest tragedies that could befall us, then how in God's Name do we pay so little attention, put in so few resources to getting this done?

Congress—this new Congress—owes it to the country and to our children and to our families to do better. This amendment will do much better.

The Schumer-Menendez amendment contains the same firm deadlines the House passed in January for DHS to require all containers coming into the United States from foreign ports to be scanned for nuclear and radiological weapons and then sealed with a tamperproof lock.

Within 3 years, 100 percent of containers coming from the largest foreign ports would be scanned and sealed before arriving in the United States.

Within 5 years, 100 percent of all containers from all ports worldwide would be scanned and sealed.

Imagine, on that date, only 5 years from now, Americans could breathe a huge sigh of relief knowing we are safe from the nightmare I described earlier.

Now, I know what the critics say. The critics say 100 percent scanning cannot be done. But the truth is, technology for scanning does exist, and it can be expected to improve steadily, as technology usually does. The experts are divided. There are some who say it cannot be done, some who say it can be done. I know the shipping industry would rather we not do this, that we slow-walk it. I understand their interest. But our interest is much greater.

We already have advanced scanning equipment that can check for radiation as a moving cargo container passes through a port. That is without dispute. As a part of the same process, we have equipment that can create a detailed image showing the density of the contents of the container, in order to see radioactive material that might be shielded.

In fact, this scanning equipment is already being set up at foreign ports and brought online through DHS's Secure Freight Initiative, which is a pilot project required under last year's SAFE Port Act.

Now, the Secure Freight Initiative is a good start, but it is only a small start. It will only scan between 5 and 10 percent of our incoming cargo for nuclear weapons. We cannot, we must not, and do not have to accept 5 percent security.

The only real barrier to 100 percent scanning is lack of will—lack of will in the administration, which we have seen for 5½ years; lack of will in DHS, which we have seen from its inception;

and, frankly, lack of will in this Congress. If we show we are serious about 100 percent scanning, then we will see an end to the administration's and DHS's foot-dragging and a beginning of real security.

Adapting to 100 percent scanning may have some small effect on commerce. It is true, it will affect commerce. But that is far outweighed by the complete shutdown of trade that a successful attack would cause. A nuclear attack in the shipping chain would grind commerce to a halt.

Madam President, I ask unanimous consent that my colleague from New York, Senator CLINTON, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Our amendment is sensible, it is feasible, and it is absolutely necessary.

The Congressional Budget Office says the House bill—which is very similar to this amendment—will cost the Government $160 million in 2008 through 2012. That may sound like a lot of money, but it is such a small price to pay for an enormous improvement in security. When we compare it to the other large sums we spend on other things, it is not even close.

If we asked Americans to rank the cost of this program with the benefit, it would be at the very top of the list. America sees it. Certainly, New York sees it. New Jersey sees it. Why doesn't this body? I hope we will.

The amendment does not obligate the Government to buy scanning equipment or seals. Scanning equipment will simply become a cost of doing international business, similar to so many other necessary costs that are imposed for very good reasons.

The DHS rules for 100 percent scanning will not be developed in a vacuum but will use the results of the Secure Freight Initiative and other demonstrations of scanning technology.

Under my amendment, DHS will only issue a final 100 percent scanning regulation after the Secure Freight Initiative pilot project is complete and DHS reports to Congress. DHS will use the lessons learned from the pilot project to write regulations that are workable.

Our amendment also has some flexibility because it is obvious you cannot do scanning without equipment. The Secretary of Homeland Security can extend the deadline for 100 percent scanning by a year if the scanning equipment is not available for purchase and installation in a port.

This amendment also will not lock us into using today's technology when tomorrow arrives. Under this amendment, DHS will have to develop standards for the best available scanning technology and also for container seals and to update these standards regularly as technology improves.

This amendment accommodates our international agreements with our trading partners. It authorizes DHS to develop international standards for container security, and it directs DHS to ensure that 100 percent scanning is implemented in a way that is consistent with our international trade obligations.

I cannot overstate how much it disturbs me that Congress has, so far, lacked the resolve to impose firm deadlines for 100 percent scanning. Now the House has acted decisively and so should the Senate.

The amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world.

I truly believe, unless we have a firm deadline, DHS will continue to drag its feet and our people in America, in our ports and on land, will be susceptible to this kind of horror for far too many years than they should have to be. Again, there will be arguments that it is not feasible. A deadline will make it feasible. A deadline will concentrate the minds of those in DHS and in the shipping industry to get it done, and if after 3 or 4 years they have shown effort and they say they need an extension, they can come back to the Congress to do it. But I would argue that is the way to go, not to set no deadline and let them proceed at the all-too-slow pace we have seen thus far.

This amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world; otherwise, we will probably see the same misplaced priorities from DHS we usually do.

At any given moment, our seaports are full of container ships and more are steaming to and from our shores. Each one of these ships, unfortunately, is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know our enemies will wait patiently and plan carefully in order to create maximum panic, damage, death. A nuclear weapon in a shipping container would be a dream come true for them, those few crazy fanatics who unfortunately live in the same world as we do, but it would be an endless nightmare for us.

We have lived with the threat of a nuclear weapon in a shipping container for so long that some people seem prepared to accept this insecurity as a fact of life. But talk to intelligence experts or read the New York Times Magazine from last Sunday. Al-Qaida and others are focusing, and they would prefer this method of terrorism, worst of all. I am not prepared, my colleague from New Jersey, my colleague from New York, and hopefully a majority of this body is not prepared to let this insecurity continue. When it comes to shipping container security, the danger is obvious, the stakes are high, and the solution is available. We simply cannot afford any more delay.

One of the greatest risks facing our security is that a terrorist could easily smuggle a nuclear weapon from a foreign country into our ports. It would inflict countless deaths, tremendous destruction, and bring trade to a standstill. The bottom line is program screening for nuclear materials is delayed, funding for research and development squandered, and international security mismanaged.

If this administration isn't going to put some muscle behind security under the current laws, then Congress ought to do it, and we ought to do it now. We have waited long enough.

I urge my colleagues on both sides of the aisle to join with me and Senator MENENDEZ in making our ports, our Nation, and the international supply chain more secure by enacting firm deadlines for 100 percent scanning.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I understand there is a UC that would have Senator COLLINS speak next, then Senator MENENDEZ, and then myself. I ask unanimous consent that we alter that so I can speak and then Senator MENENDEZ and then Senator COLLINS. I would simply switch places with Senator COLLINS. That is my understanding of the UC agreement.

Mr. MENENDEZ. Mr. President, reserving the right to object, I would ask the Senator how long he intends to speak.

Mr. COLEMAN. Is there a limitation under the UC?

The PRESIDING OFFICER (Mr. SALAZAR). There is no limitation under the current unanimous consent agreement.

Mr. MENENDEZ. I would say to my colleague I have the Governor of our State with whom I am supposed to meet right now and that is the only reason I am inquiring.

Mr. COLEMAN. Mr. President, I would ask my colleague from New Jersey how long he would intend to speak. Would he like to alter the UC to speak first and then I would follow?

Mr. MENENDEZ. Ten minutes.

Mr. COLEMAN. Mr. President, I would simply ask unanimous consent that the Senator from New Jersey speak for 10 minutes and then I would speak and then the Senator from Maine would have an opportunity to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, let me, first, thank my colleague for his courtesy. I appreciate it very much. I rise to join my distinguished colleague from New York, Senator SCHUMER, in offering this amendment. He has been a champion in this regard, and he understands that the cause of the devastation in the city of New York was the of acts of terrorism. I, too, reside right across the river and having lost 700 residents on that fateful day, I understand the consequences of inaction.

What we are calling for is to move forward to implement 100 percent scanning of all the cargo containers entering the United States. This, 5 years

later—5 years later—in understanding the realities of a post-September 11 world.

Last year this body took action to secure a long overlooked vulnerability in our Nation's security. We passed the SAFE Port Act, which made significant progress toward improving security in our ports. But the fact remains that until we know what is in every cargo container entering our ports, we cannot definitively say we are secure.

Because of our action in the SAFE Port Act, the Department of Homeland Security is now conducting a pilot project to implement 100 percent scanning of cargo at six ports. That is a crucial first step. However, reaching 100 percent scanning should not be a far-off goal but something we should be doing as quickly and as urgently as possible. When it comes to the security of our ports, we should not be comfortable with baby steps.

The amendment we are offering, the Senator from New York and I, would ensure that efforts to implement 100 percent scanning move forward by setting clear deadlines for all cargo entering U.S. ports to be scanned. Now, deadlines may not be popular, but the fact is they result in action. Let's not forget that the requirements set in the SAFE Port Act got the Department to act. Within 2 months of the bill being signed into law, the Department moved forward with the pilot project now underway.

The 9/11 Commission made a critical observation in how to approach securing our most at-risk targets. The Commission said:

> In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure.

We recognize we may not be at an ideal place to implement perfect technology, but we do have systems that work, and we should be doing everything possible to advance and implement them at every port. We cannot afford for terrorists to know our ports and our cargo are not defended. Frankly, when 95 percent of the cargo entering our ports has not been scanned, I think it is clear we have a lack of a significant deterrent. We have a 95-percent chance of getting something in. That is a pretty good percentage for the terrorists.

Our ports remain some of the most vulnerable and exploitable terrorist targets our Nation has. We cannot afford to wait for years and years while we simply cross our fingers that an attack will not hit our ports or disrupt our commerce.

In the years after September 11, our focus was largely and understandably on aviation security. But in narrowing in on such a singular focus, we did not start out making the strong investments needed in other areas of our security. We have spent less than $900 million in port security improvements since 2001, which is a small fraction of what we spend annually on aviation security. Only when faced with a very public and highly controversial deal that would have put American ports in the hands of a foreign government, did Congress act on port security.

For some of us, however, this is not a new issue, nor was the threat unknown. For 13 years, I represented a congressional district in New Jersey that is home to the Nation's third largest container port. The Port of New York and New Jersey, the majority of which physically resides in New Jersey, has a cluster of neighborhoods literally in its backyard. Ask any New Jerseyan from that part of the State and they will tell you how close to home the threat of port security hits. Every day, they drive by the containers stacked in rows within throwing distance of major highways. Every day, they see cargo coming off the ships, ready to be put on a truck that drives through their neighborhood or to sit in a shipyard visible from a 2-mile radius around the port, with an international airport and a transnortheastern corridor. Until we can assure them we know exactly what is coming into our ports and into their neighborhoods, they have a right to question their safety.

Ironically, the people who live in the backyards of the Port of New York and New Jersey also live in the shadows of what was the World Trade Center. But there are other ports throughout this country with similar neighborhoods. So not only are they keenly aware of the vulnerability of the ports, many of them have experienced or witnessed the destruction that took place on that fateful day.

Despite the awful lesson I hope we learned on September 11, where we saw everyday modes of transportation turned into destructive weapons, we still seem slow to understand that everyday modes of commerce could as quickly and easily be turned into weapons with catastrophic consequences. When it comes to the security of our cargo, precision is everything. We have to be on the ball every day. We have to be right about what is in every single container entering our ports. The terrorists only have to be right once, and they have a 95-percent chance to be right once.

This is not just a question of homeland security; it is also about economic security. Every year, more than 2 billion tons of cargo pass through U.S. ports. Jobs at U.S. ports generate $44 billion in annual personal income and more than $16 billion in Federal, State, and local taxes. The Port of New York and New Jersey alone handled more than $130 billion in goods in 2005. While too much of our country's and our Nation's ports are part of an invisible backdrop, they are key to an international and domestic economic chain, and if there was a major disruption, economies would be crippled and industries halted.

Many of us in this body have repeatedly warned of the disastrous repercussions if there was an attack at one of our ports. Yet, as a Nation, we have moved at a snail's pace when it comes to doing what is necessary to fully secure our ports. The question is, if we continue to delay and there is an attack because we have not implemented 100 percent scanning, what price then are we willing to pay? How much are we willing to sacrifice if the worst-case scenario happens at one of our ports?

I can't look at a constituent of mine or anyone in this country and say that algorithms—we presently scan only a small percentage, only 5 percent, the rest of it we do calculations by algorithms. If I tell an American that their protection is based upon algorithms, they would tell me I am crazy. But that is what is happening today. That is the layered approach. But it is an algorithm that supposedly protects you. If Hong Kong can do this, certainly the United States of America can do this. We are not talking about immediately, we are talking about 3 years for major ports, 5 years for all other ports, with the opportunity for extension.

In a post-September 11 world, where we have had to think about the unimaginable and prepare for the unthinkable, how can we continue to operate as if the threat to our ports is not that great? Can we not imagine how a ship with cargo can become a weapon of mass destruction? Can we not foresee how a deadly container can get to a truck and be driven through some of the most densely populated cities? Will we be content in telling the families of those whom we let down that we didn't move fast enough? I, for one, am not willing to do that. I believe we must do everything possible now so we never have to be in that position.

I hope my colleagues join Senator SCHUMER and myself in making sure we never have to look at a fellow American and tell them we just acted too slowly or we let economic interests overcome security interests. I think we can do much better. Our amendment does that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I agree with my colleagues from New York and New Jersey about the grave danger, the almost unimaginable horror that would occur if a nuclear device was smuggled into one of the 11 million containers that come into our ports every year. It is an area of vulnerability. It is an issue of great concern.

I am not a casual observer of this. I don't just lose sleep over this—which we all should—but for 3 years we worked on this. As chairman of the Permanent Subcommittee on Investigation, I participated in a 3-year review and then laid out a plan of action, working with the Senator from Connecticut and working with my Democratic colleague from Washington, Senator MURRAY. Of course, I also worked with the leadership and Senator COLLINS from Maine, chairman of the

Homeland Security Committee last year.

As a result of that 3-year effort, we put forth a bill last year to bolster American security. I say to those watching that there was not a 95-percent chance of somebody smuggling a nuclear device in a container. We are not simply looking at 5 percent and ignoring everything else. To raise that kind of level—first, that is simply not true. We have in place a system we need to do better with, no question about it. We passed legislation last year to help us do better. Part of that legislation is a provision that would require the Department of Homeland Security, through the secure freight initiative, to develop a pilot program to figure out can we do 100-percent testing of every container. That is what we should be doing. The idea that somehow there is a lack of resolve is simply not true. It is a matter of figuring out the right thing to do.

To quote an editorial in the Washington Post on Tuesday, January 9, 2007:

> Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job [if you know anything about border crossing and x-ray machines at airports]. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure every maritime cargo container bound for the United States is scanned before it departs for American shores.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 9, 2007]

A BAD INVESTMENT

What's more important, Coast Guard patrols or collecting fingerprints at border crossings? Running checked bags through X-ray machines at airports or installing blast barriers at nuclear plants?

Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the United States is scanned before it departs for American shores.

Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade.

The Democrats don't offer a realistic cost estimate for the mandate they will propose today. But the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the Sept. 11 commission didn't recommend 100 percent cargo scanning.

The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee. Luckily, the Senate will give more thought to its homeland security bill and probably won't approve a 100 percent container inspection plan. House Democrats can figure those odds as well as anyone. But why not score some easy political points in your first 100 hours?

Mr. COLEMAN. It goes on to say:

> Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision [or this amendment envisions]. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo.

That is what we have done. I offered that amendment last year. As a result, the Department of Homeland Security is putting in place a pilot that will scan all U.S.-bound containers at three ports by July of this year. They are the Port Qasim in Pakistan, which is ready for testing now; Port Cortez in Honduras, which is ready for testing now; and Southhampton in the United Kingdom, which will be ready in July.

So the reality is what we are doing in Congress is acting in a rational manner, understanding the needs to go forward as aggressively as possible but not fearing demagoguery and telling the public we are turning a blind eye to 95 percent of the cargo containers that are there. The idea of 100-percent scanning comes from a system we saw in Hong Kong, a system I asked the Senator from New York to look at. I believe he did. When you see that system, what happens is they have a scanning technology where vehicles literally roll through, nonstop, with no slowing up of traffic, and as it scans it takes almost a moving ''CT scan'' to see what is inside. There is a radiation portal device in front of it. Then you have that information. That is what he observed. That is 100-percent scanning.

But the reality is that system is in place in 2 of the 40 lanes in Hong Kong. Nothing is done with the information that is gathered it. It is not sent over to Langley or integrated into a more comprehensive review of what we do. Even if there are radiation signals that come off, there is not necessarily a mandated or forced review of the cargo.

So what the Senate did, being the world's most deliberative body, is look at the danger of the threat, and I agree with the Senators from New Jersey and New York that it is an enormously high threat. We said, how do we rationally handle that and not do political shenanigans and play to the fear of the public by saying 95 percent of the cargo containers are coming to this country without being dealt with. We said, how do we put in place a system where we see whether we can get 100-percent scanning to work and integrate it into our other systems. That is part of the point the public should understand. We do have systems in place. When the Senator from New Jersey talks about algorithms, he is saying that cargo—every single container gets rated at a level of risk; based on that, determinations are made as to the level of review. We have what would be called a delayed approach to security. We don't have the capacity, resources, or ability to scan 11 million containers today, so 100-percent scanning should be our goal, to be done in a way that we can use the information integrated into the system. By the way, it is done in a way that doesn't stop the flow of commerce.

The mayor of New York testified before the Homeland Security Committee. I asked him the question about 100-percent scanning. His quote was:

> Al-Qaida wins if we close our ports, which is exactly what would happen if you tried to look at every single 1 of the 11 million containers that come here.

We don't want al-Qaida to win or to close our ports. We want 100-percent scanning, but we want to do it in a way that doesn't raise the level of fear and somehow communicate to the public that there is a lack of resolve or a lack of will. It is a matter of us trying to proceed in a very rational way.

By the way, there is nothing in our amendment of last year that stops the Department of Homeland Security from moving forward quicker. Our amendment last year requires the pilot projects to be done within a year of passage of the bill last year. It says the Department has to come back to us, to Congress, and explain to us what it is going to take to move forward. We have in place today a mechanism that will accelerate the opportunity for 100-percent screening as fast as is possible. There is no lack of resolve, no lack of will, no bureaucratic obfuscation. There is simply the reality of trying to figure out a way to take the technology that is out there and incorporate it into the defense system we have so it is doing something. Again, we do it not because we want to tell people we are looking at 11 million containers. We certainly should not be telling people we are turning a blind eye to—or there is a 95-percent chance of something coming in without being considered. That is not reality.

As the mayor of New York also said when he testified, we cannot give a guarantee. No matter what we do, the enemy is going to try to attack us. They may succeed. But it would be a terrible tragedy if somehow it were conveyed that we are sitting on our hands and this Senate is not responding to the real, grave, and terrible threat of a nuclear device or a weapon

of mass destruction coming here in a cargo container.

We have in place a pilot project. Let the agency do what the Senate and Congress has dictated it do. Let it test the technology, see if it can make it work. Let it come back and tell us how quickly they are going to get it done. If it is not done quickly enough, I will join with the Senators from New York and New Jersey, and other colleagues, and say you have to accelerate the pace. Let there not be fear mongering about this issue. Let there not be what the Washington Post called ''political shenanigans.'' Let us play to our best instincts and let the public know we have resolve on this issue. Let's give the pilot program a chance to work. I urge my colleagues to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Minnesota for his excellent statement. He has spent a great deal of time on this issue as the former chairman of the Permanent Subcommittee on Investigations. He examined our ports very closely. He helped draft the port security bill we passed last year. I hope my colleagues will listen to his advice on this issue.

Mr. President, 100 percent screening, that sounds like a great slogan. After all, who could be against scanning 11 million containers?

Let's look at what that would involve. The fact is we need to concentrate our resources on containers that pose a real threat, on containers and cargo that are at highest risk. It doesn't make sense to try to inspect everything, and it has extraordinarily negative consequences for our system of international trade.

I rise to oppose Senator SCHUMER's amendment that would require scanning of all cargo containers entering the United States from large foreign ports within 3 years, and containers from all 700 foreign ports in 5 years. This approach patently ignores the technological limitations on integrated scanning systems that are necessary to scan 100-percent of containers. It irrationally assumes that integrated scanning systems will be practical and cost-effective and work well in only 3 years. I hope they will be, and I will talk about the pilot programs we have underway to see or to test the feasibility.

But the costs of being wrong on this assumption are too high for our economy, as so much of our international trade relies on cargo container traffic. Think of how many companies rely on just-in-time inventory. Think of how many businesses all across this country receive cargo. We need a system that makes sense.

The fact is there are substantial technological challenges to scanning 100 percent of cargo containers at foreign ports. I traveled to Seattle, Long Beach, and Los Angeles to look at the ports and see their operations. I think anyone who does that quickly reaches the conclusion Senator MURRAY and I have reached, which is this cannot work. If you look at how at-risk cargo is scanned, it takes time to unload the container, separate it from the rest of the cargo; it takes a few minutes to scan each container as this giant x-ray-like machine goes around the container. Then the analysis of the images can take several more minutes.

Think about this. We have 11 million containers headed to the United States; that is in a year's time. That is going up each year. When I first started working on port security legislation, it was only 8 million. Now it is 11 million containers. Well, think of the delays that would be caused by scanning each and every container. It would create a massive backlog of cargo at our ports and it would not make us safer.

There are other problems as well. Current radiation scanning technology produces alarm rates of about 1 percent—almost entirely from naturally occurring substances in containers. Actually, when I was in Seattle with Senator MURRAY, we were told that, for some reason, marble and kitty litter seemed to trigger false alarms. So obtaining enough foreign government and DHS personnel to conduct inspections of all those false alarms would be expensive. It is far better to concentrate on containers that, because of the cargo or because of other indicators through the sophisticated system used to identify at-risk cargo, warrant that kind of inspection. There would also be a requirement for extensive negotiations with foreign governments to agree on the deployment of scanning technologies, the protocol for inspecting containers that set off alarms, and stationing customs and border protection inspectors in their ports. Foreign governments would probably turn around and say: If you are going to scan all of the containers coming into America, we are going to scan all of your containers coming into our country. That would multiply the costs and the impact.

Requiring all containers to be scanned and the images reviewed without adequate technology in place would make our country less safe, not more safe. The approach in this amendment would unwisely waste scarce resources on inspecting completely safe cargo instead of targeting personnel and equipment on the cargo that presents a threat to our country and the greatest risk.

The Homeland Security Committee spent a great deal of time last year on port security legislation, and we drafted a bill, brought it unanimously to the Senate floor, had extensive debates in September, and we debated this very issue at that time. Why we are revisiting it just a few months later is beyond me, but here we are.

This amendment wholly ignores the pilot projects that were established by the SAFE Port Act which we passed last year. These pilot projects are intended to test the technology to see if there is a way to increase scanning. The technology is changing. It is getting better. This may be feasible at some point, but it is not today.

The SAFE Port Act requires the Department of Homeland Security to test scanning in three foreign ports, and the Department is proceeding very rapidly to follow the instructions. It is going to be implemented in ports in Pakistan, Honduras, and the United Kingdom. These pilot projects will involve radiation scanning and x-ray or a non-intrusive imaging scanning that will then be reviewed by American employees, American officials. If these pilots are successful, then we will begin to expand the equipment and the personnel. But the fact is that extensive research and development remains to be done on 100-percent scanning technologies and on infrastructure deployment at seaports.

Given the significant impact this requirement would have on our economy, it simply is not responsible to move to this requirement before we have the technology in place to make it feasible and before we have the results of these pilot projects. This isn't just my opinion. If one talks to port directors around the world and on both coasts of the United States, one will find that they believe we cannot do this in a practical way and that it would cause massive backlogs and delay the delivery of vital commodities. It would cause terrible problems for companies that rely on just-in-time inventory. That is why many shippers and importers oppose this amendment, as well as the Retail Industry Leaders Association, National Retail Federation and the U.S. Chamber of Commerce.

So what do we do now? I think it is important for people to understand that we do have a good and improving system in place to secure our cargo. DHS has adopted a layered approach to cargo security that balances security interests against the need for efficient movement of millions of cargo containers each year.

One layer is the screening of all cargo manifests at least 24 hours before they are loaded onto ships. This screening is done through DHS's automated targeting system which identifies high-risk cargo and containers. This is a very important point. The SAFE Port Act, which is now in effect, requires 100 percent of all high-risk containers to be scanned or searched by Customs and Border Protection—100 percent. We found in our investigations that was not always the case, that high-risk containers that had been identified were, in some cases, loaded onto ships and reaching our shores. But the SAFE Port Act changes that. It ensures that 100 percent of high-risk containers will be scanned.

The scanning and inspection of certain high-risk containers is one of the first layers of this multilayered approach the Department uses to prevent

weapons of mass destruction or other dangerous cargo from entering the United States.

A second layer is the Container Security Initiative. This program stations Customs and Border Patrol officers—American Customs and Border Protection officers—at foreign ports. The concept here is to push back our shores. The more we can do these reviews overseas rather than waiting for dangerous cargo to come to our shores, the better the system. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of containerized cargo headed for the United States by sea. DHS is continuing to expand this program by working with foreign governments, but this is an excellent program because it ensures that our trained American personnel are stationed in foreign ports.

There is yet another layer, a third layer, and that is the Customs-Trade Partnership Against Terrorism Program. It is called C-TPAT. This is another layer that is designed to bolster security along the entire supply chain under a voluntary regime. The concept here is that a company can sign up to be part of C-TPAT by guaranteeing that its entire supply chain is secure from the factory floor to the showroom floor, and that is the best kind of security we can have. So when goods leave the factory floor, the supply chain, every step of the way—the transporting of the cargo in a truck to the truck going to the port—at every stage, the company has ensured that the supply chain is secure.

These layers—the automated targeting system, the work the Coast Guard does, which I haven't even touched on—also add to the security. The Container Security Initiative and the C-TPAT Program represent a risk-based approach to enhancing our homeland security. At the same time, they allow the maritime cargo industry in the United States, which moves more than 11 million containers each year, to continue to function efficiently.

The SAFE Port Act also requires that at the end of this year, the largest 22 U.S. ports must have radiation scanners, which will ensure that 98 percent of containers are scanned for radiation. That is practical with the current technology. Again, I have seen that in operation in Seattle, where the trucks roll through these radiation portal monitors and an alarm can sound if radiation is found. Sometimes, unfortunately, there are false alarms as well.

We are also working to install those kinds of radiation monitors overseas because, obviously, it is far better if we can do that scanning for radiation overseas in foreign ports on cargo before it reaches our shores. The Department of Energy, under the Megaports Initiative, is currently installing scanning equipment in foreign ports and scanning containers for radiological material. So we are making good progress.

Some who are advocating 100 percent screening are pointing to a project in Hong Kong, the Integrated Container Inspection System. This is a promising concept, but, as my colleague from Minnesota noted, the project in Hong Kong actually covers only 2 lanes of traffic of more than 40 at the port. In addition, what is happening is images are being taken, but no one is reading and analyzing the images. So this is not truly a project that tells us whether a true, 100-percent integrated scanning system is feasible. But we do have those projects underway, and we should wait until they are ready and finished before moving ahead.

Again, I hope my colleagues will once again reject this amendment. I think it is a big mistake. It would interrupt our system of container traffic, and it could have truly disastrous consequences for our economy. All of us want to make sure cargo coming into this country is safe. There were definitely vulnerabilities and holes in our system for cargo security, but the SAFE Port Act, which we passed at the end of last year, took major steps to plugging those gaps, closing those holes.

We should proceed with vigorous implementation of that bill, including the requirement that 100 percent of all high-risk cargo be scanned, and we should also continue our efforts to build the strongest possible layered system to secure the entire supply chain.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to build on some things my ranking member, Senator COLLINS, said about this amendment. I think what ought to be acknowledged is that everyone in the Senate, everyone in America would like to get to the point where we have 100 percent scanning of containers coming into this country—scanning for radiation because we are worried about the potential catastrophe of a nuclear weapon or a dirty bomb in a container coming into this country.

We know the number of containers coming in is enormous. Each day, more than 30,000 containers offload millions of tons at our maritime borders. We understand this requires two kinds of screening: First is radiation detection equipment to pick up, obviously, radiation emanating from a nuclear weapon or a dirty bomb; secondly, so-called nonintrusive imaging equipment, which is needed in case terrorists have shielded the nuclear weapon or dirty bomb inside some kind of material that will stop it from registering on the radiation equipment. So the nonintrusive imaging equipment, x-ray equipment, will note there is something there that is shielded, which will then lead to a physical inspection of the container.

There is no question in my mind that everybody in the Senate wants to get us to a point where we have 100 percent of the containers coming into America being scanned in the way I just described as soon as possible. What I want to say at this point is that the SAFE Port Act, which, as Senator COLLINS said, came out of our Homeland Security Committee last year—during those halcyon days when she was Chairman and I worked deferentially as the Ranking Minority Member—was a good, strong bill. It came out of committee, was adopted by both Houses, enacted, and became law on October 13 of last year. Here is the point. The SAFE Port Act, existing law, sets the goal of 100 percent scanning by radiation detection equipment and nonintrusive imaging equipment, as soon as possible.

Obviously, if somebody says we should do it in 5 years, you would say: Sure, why not do that in 5 years. But I want to suggest now that I believe the existing law holds open the possibility of achieving that goal of 100 percent cargo scanning, assuming we can get over all the technological obstacles that Senator COLLINS and others have spoken of, sooner than the 5 year requirement found in this amendment. That is why it seems to me, with all due respect, that this amendment is unnecessary and, in fact, is less demanding than existing law.

Let me go now to section 232 of Public Law 109–347, which is the SAFE Port Act. It says that the Secretary, in coordination with the Secretary of Energy, and foreign partners as appropriate, shall ensure integrated scanning systems are fully deployed—100 percent—to scan, using nonintrusive imaging equipment and radiation detection equipment, all containers—all containers, 100 percent—before those containers arrive in the United States, as soon as possible.

As soon as possible, I hope, will occur before the 5 years required by this amendment. Not only does it set the goal as soon as possible, it creates a process that, with all due respect, is not found in this amendment, and that process as Senator COLLINS and Senator COLEMAN have described. A one year pilot project scanning 100 percent of cargo containers by these two methods of detection, at three ports around the world. That pilot has already begun. Six months after the conclusion of the pilot program, the Secretary has to report to Congress on the success of the program. The Secretary also has to do something else, according to the law. The Secretary has to indicate to the relevant committees of Congress how soon the 100 percent scanning goal of the SAFE Port Act can be achieved.

Not only that, but subsection (c) of section 232 of the SAFE Port Act says that not later than 6 months after the submission of the initial report—and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment of 100 percent cargo screening. That is not in the House-passed provision or, as I see it, in this amendment before us now.

In other words, 6 months after the year long pilot project, the Secretary is going to report on the results and tell us when exactly he thinks we can achieve 100 percent screening of all cargo. The Secretary will then be required to file a similar report every 6 months thereafter until we achieve full-scale deployment of these two types of scanning devices to detect nuclear weapons that may be smuggled into this country in a container.

Obviously, if the relevant committees of Congress that receive these reports—the first of which by my calculation would be April of next year, 2008, and then every 6 months thereafter—believe this implementation is not moving rapidly enough, we can come back and set a definite deadline date. Right now, however, I submit to my colleagues, existing law, the SAFE Port Act, actually sets a goal of 100 percent cargo scanning that I think may be more quickly achieved than the 5 years in this amendment, and sets up a process not found in the amendment, which requires reports to Congress every 6 months. This will inevitably, by the nature of the congressional process, trigger further legislation, perhaps specifically stating a deadline date for 100 percent scanning if we, in our wisdom, think that the Secretary and the industry are not moving rapidly enough.

The bottom line is this. Existing law, in a technologically very difficult area, with significant potential impacts on our economy and the world economy, actually holds the potential of achieving more, and I believe will achieve more, than the amendment that is being offered. For those reasons, I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HEALTH CARE

Mr. CARDIN. Mr. President, yesterday, the Washington Post brought to the Nation's attention the story of a young boy, Deamonte Driver, who died Sunday, February 25, at the age of 12. Our thoughts are with the Driver family. Deamonte's death, the result of a brain infection brought on by a tooth abscess, is a national tragedy. It is a tragedy because it was preventable. It is a tragedy because it happened right here in the United States, in a State which is one of the most affluent in the Nation. It happened in a State that is home to the first and one of the best dental schools in the Nation, the University of Maryland. It happened in Prince George's County, whose border is less than 6 miles from where we are standing in the United States Capitol.

By now, most of my colleagues are familiar with Deamonte's story. Through a sad confluence of circumstances and events, the disjointed parts of our health care system failed this child. The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved to a shelter and the paperwork fell through the cracks. Even when a dedicated community social worker tried to help, it took more than 20 phone calls to find a dentist who would treat him.

Deamonte began to complain about headaches just 8 weeks ago, on January 11. An evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures and a second operation. Even though he received further treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25.

At the end, the total cost of Deamonte's treatment exceeded $250,000. That is more than 3,000 times as much as the $80 it would have cost to have a tooth extraction. It is not enough for the community and the State, and even the Senate, to mourn Deamonte's death. We must learn from this appalling failure of our broken health care system, and we must fix it.

Former Surgeon General C. Everett Koop once said: ''There is no health without oral health.'' The sad story of the Driver family has brought Dr. Koop's lesson home in a painful way.

Our medical researchers have discovered the important linkage between plaque and heart disease, that chewing stimulates brain cell growth, and that gum disease can signal diabetes, liver ailments, and hormone imbalances. They have learned the vital connection between oral research advanced treatments like gene therapy, which can help patients with chronic renal failure. Without real support for government insurance programs like SCHIP and Medicaid, however, all this textbook knowledge will do nothing to help our children.

Here are some basic facts: According to the American Academy of Pediatric Medicine, dental decay is the most chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds.

Tooth decay is five times more common than asthma among school-aged children.

Children living in poverty suffer twice as much tooth decay as middle and upper income children.

Thirty-nine percent of Black children have untreated tooth decay in their permanent teeth.

Eleven percent of the Nation's rural population has never visited a dentist.

An estimated 25 million people live in areas that lack adequate dental care services.

One year ago, the President signed into law the so-called Deficit Reduction Act. I voted against that bill. It included dangerous cuts to Medicaid that provide only short-term savings while raising health care costs and the number of uninsured in the long term. That law allows States to increase copayments by Medicaid beneficiaries for services, putting health of America's most vulnerable residents like the Drivers at risk.

The new law also removes Medicaid's Early and Periodic Screening, Diagnostic, and Treatment Program guarantee, which provides children with vital care, including dental services. This became effective as of January 1.

What does this mean? Before the Deficit Reduction Act, Medicaid law required all States to provide a comprehensive set of early and periodic screening and diagnostic treatment benefits to all children. Now States can offer one of four benchmark packages instead, and none of these packages include dental services. According to the Congressional Budget Office, as a result of this provision, 1.5 million children will receive less benefits by 2015.

The last few years have also produced budgets that have crippled health initiatives in this country. This is the result of an agenda that does not give priority to health care, science, and education. After doubling NIH's budget in 5 years, at about a 15-percent annual growth ending in 2003, we are now looking at increases that don't even equal the rate of inflation. With flat funding in the President's NIH budget this year, we are not doing more, we are treading water. When it comes to research project grants, we are doing less. At the same time, overall appropriations for the Health Resources and Services Administration are declining.

The agency's principal responsibility is to ensure that primary care health care services and qualified health professionals are available to meet the health needs of all Americans, particularly the underserved. The President's fiscal year 2008 budget cuts this program by $251 million. President Bush, once again, proposes to almost wipe out programs that educate non-nurse health professionals. This is happening at a time when more than 20 percent of our dentists are expected to retire in the next decade.

The 2008 Bush proposal would also cut more than $135 million from health professions training programs. Programs that help prepare minority high school and college students for dentistry would be shut down, as would grants to help support training of primary care doctors and dentists. Scholarships for minority and disadvantaged children would be cut significantly.

Dental reimbursement for programs within the Ryan White CARE Act, which help dental schools train doctors to care for HIV patients, is not increased sufficiently to meet our communities' needs. We cannot let this happen. These training programs provide critically important training and health education services to communities throughout the country, including those in my own State of Maryland.

We need to do more to make the public and the administration understand that dental care must be part of a comprehensive medical approach in this country, and we need to find ways to provide dental coverage as part of health insurance plans.

This comes back to a fundamental question: What should the role of the Federal Government be in these matters? We cannot end these vital health education resource programs; we must strengthen them. Deamonte's death should be a wake-up call to all of us in the 110th Congress. This year we will be called upon to make important decisions about Medicaid funding and we will be called upon to authorize the SCHIP program. We must ensure that the SCHIP reauthorization bill we send to the President for his signature includes dental coverage for our children. I call upon my colleagues, as we begin this debate in the spring, to remember Deamonte. I also ask them to remember his brother, DaShawn, who still needs dental care, and the millions of other American children who rely on public health care for their dental care needs. That is the least we can do.

I urge my colleagues to give these matters the attention they need.

I yield the floor.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

ACCOUNTABILITY AT WALTER REED

Mrs. MCCASKILL. Mr. President, yesterday I had the privilege of spending 3 hours at Walter Reed Army Hospital, specifically looking at outpatient care. As a result of that visit, I have come to several inescapable conclusions about the leadership of the armed services over this important area.

First, we have to start with a foundational premise, and that premise is our wounded deserve the best. The men and women who have crossed that line and say ''I will go'' and go and get hurt and come home deserve the best our military can give them—not Building 18.

There are so many problems at Walter Reed, and legislation has been introduced that I am honored to cosponsor that will address a lot of these problems—systemic bureaucratic problems: not sufficient counselors, not sufficient training, not taking care of the families of the wounded. A lot of necessary issues are covered in that legislation. But today I thought it important to spend a few minutes talking about the leadership.

We have to make up our mind around here whether we are going to say ''support the troops'' and provide oversight and accountability or whether we are going to mean it. If you are going to have accountability under these circumstances you have to look at the culture of leadership. You have to look at the very top of the leadership tree over Walter Reed. In this instance the leader, General Kiley, was at Walter Reed at or near the time Building 18 opened. It is clear that General Kiley, the Surgeon General of the Army, knew about the conditions at Building 18. More importantly, he knew about the other problems.

The irony of this situation is General Weightman, who has only been there a year, stepped up and said, I take responsibility. I am the commander here now. Just minutes ago he was relieved of his command, while General Kiley is quoted repeatedly as if there is not a problem—he is spinning: ''I want to reset the thinking that while we have some issues here, this is not a horrific, catastrophic failure at Walter Reed. I mean these are not good, but you saw rooms that were perfectly acceptable.''

They are not perfectly acceptable. You have people who are stationed at Walter Reed who have better barracks than the wounded. That is unacceptable. Our wounded should get the best. The people in better barracks can be placed in apartments in town. When the decision was made to let these men move into Building 18, they could have moved into the better barracks and the people who are stationed there permanently could have been stationed elsewhere.

On Building 18 he said the problems—by the way, he lives within a block of Building 18, General Kiley—''weren't serious and there weren't a lot of them.'' They are serious and there are a lot of them. He said they were not ''emblematic of a process of Walter Reed that has abandoned soldiers and their families.''''

Back in December, when the vets organizations met with General Kiley and enumerated these problems about the wounded and their families and the problems they were facing in outpatient, General Kiley said, ''very important testimony.'' That was it.

I want to make sure there is no misunderstanding. Colonel Callahan, who is in charge of the hospital at Walter Reed, was open and honest and clearly cared, as did most of the leaders I talked to around the table. But I went away with an uneasy sense that all the legislation we pass and all the paint we can put on the walls is not going to solve this problem if we don't begin to speak out for accountability within the leadership of the military.

When we had the scandal at Abu Ghraib, noncommissioned officers were disciplined. Up until the relieving of General Weightman today, no one above a captain had been disciplined in this matter. It is time the leadership at the top takes responsibility and that is why I have called today for the Surgeon General of the Army, LTG Kevin Kiley, to be relieved of his command over the medical command of the United States Army so the message can go out loudly and clearly: We will not tolerate treatment of our wounded in any way that does not reflect the respect we have for them.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 290, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent to modify amendment No. 290. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is not pending. The Senator may modify his amendment.

Mr. SALAZAR. I send the amendment as modified to the desk. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. LIEBERMAN, proposes an amendment numbered 290, as modified.

The amendment is as follows:

(Purpose: To require a quadrennial homeland security review)

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the ''quadrennial homeland security review''.

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

Mr. SALAZAR. Mr. President, I come here today first to make some comments about the legislation that is before the Chamber. I can think of no greater responsibility for this Senate to take on than to make sure our homeland is in fact secure and protected. I commend my colleagues, the chairman, Senator JOE LIEBERMAN, and Senator SUSAN COLLINS, the ranking member, for having worked with the committee to have brought a very good product here to the floor of the Senate. It is legislation I strongly support. It moves our country in the right direction in terms of making sure we are moving forward with the appropriate level of homeland security.

When the people of Colorado chose me to represent them here in this Chamber, I made a promise to them that protecting our homeland and supporting law enforcement would be among my very highest priorities. In the 2 years-plus since I took that oath of office, I have had the privilege of working hard to fulfill that pledge with my colleagues here in the Senate. With the help of colleagues of both parties, I have been privileged to help pass the Combat Meth Act, I have been privileged to help find bipartisan support on the PATRIOT Act, provide resources for law enforcement and emergency responders, and pass, last year, a comprehensive immigration reform bill that secured our borders and enforced our laws.

Great challenges remain. Great challenges remain as we move forward with the challenge of homeland security, challenges that cannot be deferred, challenges we should not defer here in Washington. These are challenges that require compromise and a bipartisan approach in dealing with homeland security. This week we take up those challenges as we implement the unfinished recommendations of the 9/11 Commission.

I begin my remarks by reading a few sentences from the preface of the 9/11 Commission report. That report said in its preface the following:

We have come together with a unity of purpose because our Nation demands it. September 11, 2001, was a day of unprecedented shock and suffering in the history of the United States. The nation was unprepared. How did this happen and how can we avoid such tragedy again?

These words convey a simple but a very important message. We have an obligation to work together, not as partisans but as policymakers, to ensure our Nation is better protected in the future. The bill we are debating today takes a number of very important steps in that direction.

First, I am pleased to see the creation of a grant program dedicated to improving interoperable communications at the Federal, State, and local levels. This grant program will help ensure that communities across the country in both urban and rural areas receive the funding necessary to improve their communications systems. Money alone will not solve the problem of interoperability, but many cash-strapped communities need the Federal funds necessary to help purchase the necessary radio and tower upgrades.

It is also important to note that States will be required to pass on at least 80 percent of grants under this program to local and tribal governments and to demonstrate that those funds will be used in a manner consistent with statewide operability plans and the National Emergency Communications Plan. While Colorado has been a leader in achieving interoperability, many communities in my State simply do not have the resources necessary to purchase radio equipment. As Frank Cavaliere, the chief of the Lower Valley Colorado Fire District, told my office last year, ''We are many light years away from being able to purchase enough radio equipment let alone all of the repeater towers needed for effective coverage.'' This grant program alone will not solve the problem, but it is an important step in the right direction.

Second, I am pleased to see the proposed legislation would improve the sharing of intelligence and information with State and local and tribal governments. In particular, I am pleased the bill establishes an intelligence training program for State, local, and tribal law enforcement officers and emergency responders, and it authorizes the Interagency Threat Assessment Coordination Group, which will coordinate the dissemination of intelligence to State and local officials.

Intelligence and information sharing is an issue of particular importance to law enforcement officials and emergency responders throughout our Nation. Indeed, when I conducted a survey last year of Colorado emergency officials, by a 3-to-1 margin they felt anti-terrorism information they received from the Federal Government was insufficient and ineffective. The chief of police for Estes Park, CO, Lowell Richardson, summed this up when he told my office the following. He said ''a duplicity in sharing information . . . exists between State and Federal agencies. This overwhelms our ability to efficiently sift through the information and forward what is relevant to the officers on the street.''

I am hopeful this bill will begin to sort out this program and ensure our State and local emergency responders have all the necessary information and intelligence.

Finally, I am pleased the bill would mandate the creation of a National Biosurveillance Integration Center which would promote the integration of Federal, State, and local data from human health, agriculture, and environmental surveillance programs in order to enhance the ability to rapidly identify and attack outbreaks following a bioterrorist attack or a naturally occurring pandemic. In the survey of Colorado emergency responders, by a 4-to-1 margin they felt unprepared to handle a weapons of mass destruction attack. It is our duty as a Congress to do everything in our power to help State, local, and tribal communities prepare for the possibility of a bioterrorist attack and this bill takes an important step in that direction.

I also note two amendments which I offered to strengthen this already good bill. These amendments deal with two issues which I understand well since serving as attorney general for Colorado, the planning and training for law enforcement.

Now I ask unanimous consent the pending amendment be set aside. I call up amendment No. 290 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. SALAZAR. This amendment would require the Department of Homeland Security to conduct a ''Quadrennial Homeland Defense Review.'' I am proud both Senator LIEBERMAN and Senator COLLINS are cosponsors of this legislation.

This amendment would provide a comprehensive examination of the national homeland security strategy and an assessment of interagency cooperation, preparedness of Federal response

assets and infrastructure, and a budget plan.

The quadrennial homeland defense review would mirror the quadrennial homeland defense review prepared by the Pentagon which helped shape defense policy, military strategy, and resource allocation. The quadrennial review would not be another bureaucratic document which gathers dust on some shelf; instead, this document will require DHS to do the hard thinking, preparation, and planning necessary to coordinate national homeland security resources.

AMENDMENT NO. 280 TO AMENDMENT NO. 275

The second amendment I wish to discuss is amendment No. 280. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR, proposes an amendment No. 280 to amendment No. 275.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

Mr. SALAZAR. Mr. President, this amendment, which I offer with Senators CHAMBLISS, ISAKSON, and PRYOR, would create a Rural Policing Institute at the Federal Law Enforcement Training Center. I have often referred to our rural communities as ''the forgotten America.'' Indeed, rural America is the backbone of our country. But often those with wide stretches of land out in the heartland of America are forgotten and don't have the kinds of resources found in larger cities.

What this amendment would do is create a Rural Policing Institute that would be operated out of the Federal Law Enforcement Training Center in Georgia. I am proud my colleagues in Georgia and Arkansas have agreed to cosponsor the amendment. The essence of this amendment is to evaluate the needs of rural and tribal law enforcement agencies. It would develop training programs designed to address the needs of rural law enforcement agencies. It would export those training programs to those agencies, and it would conduct outreach to ensure the programs reach rural law enforcement agencies.

Let me comment briefly on this amendment. When I step back and see what we are trying to do on the front of homeland security, we know that at some point, someplace, we in the United States will be attacked again in the same way we were attacked on 9/11. The question becomes, What will we do to prevent those kinds of attacks from occurring?

If one looks at the men and women who wear our uniform as our peace officers around the country, there are some 600,000 of them out there in patrol cars. They are the ones who are going to be the first to really know whether there is a threat somewhere within a small community or a large community. It is important for us to support these men and women who are out there as law enforcement officers and make them a coordinated partner in helping us deal with issues of homeland security. The Rural Policing Institute, which is a top-of-the-line institute for Federal law enforcement training, should be made available to these rural law enforcement officers because that will help them be true partners in enhancing homeland security, which we need so much.

I commend the leadership of Senators LIEBERMAN and COLLINS on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LIEBERMAN. Mr. President, if the Senator from New Jersey will withhold, I ask unanimous consent that the Senate stand in recess from 3 p.m. to 4 p.m. for the national security briefing in S. 407; that upon reconvening at 4 p.m., the Senate resume the Schumer amendment No. 298; that prior to a vote in relation to the amendment, there be 45 minutes of debate equally divided and controlled by Senators SCHUMER and LIEBERMAN or their designees; that no amendment be in order to the amendment prior to the vote; and that upon use of the time, the Senate proceed to vote in relationship to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank my friend from New Jersey.

AMENDMENT NO. 298

Mr. LAUTENBERG. Mr. President, I will try to conclude my remarks before the time we are closing down the Senate.

The House has taken an important step to implement the 9/11 Commission recommendations. I am pleased to see us at work to complete our deliberations on this bill, but for the moment, I wish to talk about amendment No. 298 which Senator SCHUMER has offered to strengthen our port and container security. It builds on a law I helped write last year. It was then that I authored language in the SAFE Ports Act to require the Bush administration to scan every container entering our country, looking for weapons and contraband. My amendment called for a dramatic change in our national policy on cargo screening, but the administration was not moving fast enough. That is why it is essential that we pass today's amendment offered by Senator SCHUMER, which I cosponsored.

The 2-mile stretch that is between Port Newark and Newark-Liberty International Airport is considered the most at-risk area in the country for a terrorist attack. This is asserted by the FBI, and it is something to which we have to pay serious attention.

I served as a commissioner of the Port Authority of New Jersey and New York. I know how vulnerable a target the port region is. Our ports are the doors through which essential goods and commodities enter our national economy. They are the doors through which supplies flow to our military. Ninety-five percent of all America's imported goods arrive by ship. We need a way to ensure that 100 percent of these containers coming into our country are WMD free. We need a scanning system in place as soon as possible. Since the Bush administration has failed to act promptly to put this scanning system in place at our ports, we need to pass this amendment to push the administration to complete the task.

The New Jersey-New York port is the second busiest container port in the entire country. In 2005, 13 percent of all vessels arriving in America called on our port. Thousands of longshoremen and others work at docks where these ships come in, and millions of people live in the densely packed communities around the port. Every day we fail to make our ports safer is a day we can leave them more vulnerable to a terrorist attack.

Today, we only inspect about 5 percent of the shipping containers that enter our country. Who knows what lies within those containers? We have seen attempts to smuggle arms into our country through the port. Within 95 percent of the containers we don't inspect, terrorists could launch an attack even more devastating than 9/11,

virtually in the same neighborhood. Terrorists could smuggle themselves, traditional weapons, chemical or biological weapons, or even nuclear weapons. We know about the availability of smaller, more compact, more deadly weapons that are being developed.

We have seen what happened in the past. In April 2005, security guards at the Port of Los Angeles found 28 human beings, Chinese nationals, who were smuggled into the country in two cargo containers. In October 2002, Italian authorities found a suspected Egyptian terrorist living in a shipping container en route to Canada. According to a news report at the time, he had a laptop computer, two cell phones, a Canadian passport, security passes for airports in three countries, a certificate identifying him as an airline mechanic, and airport maps. We can't let that happen.

We have screened all airline passengers for weapons, and we do it because Congress passed a strong law with clear deadlines. Of course, that forced the Bush administration to act. We need to screen all cargo containers for weapons. That is why we have to pass a strong law now.

Some in the industry and the administration say 100 percent screening cannot be done without crippling our economy. Let me tell my colleagues what would cripple commerce—that would be another terrorist attack. We lost 700 New Jerseyans and a total of over 3,000 people on 9/11. I don't want my State or anybody in our country to lose any more. This amendment will give us the tools and incentives we need to help prevent an attack on our ports, and it will help protect our economy and American lives.

I am proud to cosponsor the amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 6 minutes prior to the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 739 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 281 WITHDRAWN

Mr. BINGAMAN. Mr. President, prior to yielding the floor, I ask unanimous consent to withdraw my amendment, No. 281, to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:01 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I would ask to be notified in 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

(The remarks of Mr. SESSIONS are printed in today's RECORD under ''Morning Business.'')

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 298

Mr. LIEBERMAN. Madam President, at 4:45, there will be a vote on or in relation to the amendment offered by Senator SCHUMER and Senator MENENDEZ. I wish to explain very briefly—and Senator COLLINS will speak later—on why we did not include this provision in the committee bill.

This provision which Senators SCHUMER and MENENDEZ have offered mirrors the section of the House-passed 9/11 bill. It was not actually called for by the 9/11 Commission, specifically, but it obviously relates to security and our concern about nuclear weapons or dirty bombs coming in through the thousands of containers that enter our ports every day.

The reasons our committee in its deliberation in bringing this bill to the floor did not include language similar to the House bill is, first, the 9/11 Commission didn't ask for it, and most of what we have done, though not all, was included in that report; but, secondly, we acted last year in adopting the SAFE Port Act, enacted into law on October 13, 2006.

It does provide for a pilot program at three foreign ports to provide for the scanning of cargo containers by radiation detection monitors and x-ray devices required under this proposal. There will be a report coming 6 months after the end of that one year pilot program. Among other responsibilities dictated by the law, the Secretary of Homeland Security will be required to report not only on how the pilot program went, but when we will achieve the goal of which—reading from the law, section 232—''all containers entering the United States, before such containers arrive in the United States, shall as soon as possible be scanned using nonintrusive imaging equipment and radiation detection equipment.''

In other words, existing law requires that we move—and I quote again—''as soon as possible to 100 percent scanning of all of the containers coming into the country.'' It requires the Secretary to report on how we are moving toward that goal, and when he thinks we can achieve it, every 6 months.

In my opinion, existing law has a 100-percent goal right now, with reporting every 6 months to the relevant committees. Senators SCHUMER and MENENDEZ have asked that it occur within 5 years and actually give a 1-year waiver opportunity to the Secretary.

At this point, I say respectfully that this requirement is premature. I hope that under current law, ''as soon as possible'' will occur before 5 years time. To my friends who offer the amendment, if after the first 6-month report, due next April, or the second 6-month report, it looks like, based on what the Secretary reports, 100 percent scanning of containers coming into the country is to be much more delayed than I had hoped it would be, then I will join them in offering an amendment that will have a definite date by which 100 percent scanning should occur. It is for that reason that our committee did not include this section. We talked about it and decided not to include it—as it was in the House bill, because we think existing law does at least as good, and perhaps a better job. I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I know the time is divided equally. How much time does each side have?

The PRESIDING OFFICER. The Senator from New York has 16 minutes. The Senator from Connecticut has 7 minutes 21 seconds.

Mr. SCHUMER. Madam President, I have a great deal of respect for my colleague, and I know he cares a great deal about protecting our country. But with all due respect, I cannot stand here and say that the SAFE Port Act does enough. The SAFE Port Act says that 100 percent scanning must be imposed ''as soon as possible.'' It might as well say whenever DHS feels like it.

For somebody like myself and my colleague from New Jersey and my colleague from New York, we have been waiting for DHS to do this ''as soon as possible'' for 4 years. We have been alerting DHS to this terrible potential tragedy we face—a nuclear weapon being smuggled into our harbors, a nuclear weapon exploding on a ship right off our harbors—for years. DHS just slow-walks it. Why?

Part of the reason is that they are never adequately funded, which is no fault of my colleague from Connecticut. But the administration does not like to spend money on anything domestic. They never put the adequate money into it. It is amazing to me that they will spend everything it takes to fight a war on terror overseas. Some of that is well spent and some, I argue, is not. Nonetheless, they spend it. They won't spend hardly a nickel, figuratively speaking, to protect us on defense at home. So the progress has been slow.

This is not the first time I have offered amendments to prod DHS to do more on nuclear detection devices, on port security. I don't know why anyone in this Chamber, faced with the potential tragedy that we have, would decide

to leave it up to DHS. But that is just what this base bill does. I don't know what people are afraid of. Yes, we have people with shipping interests who say don't do this, it will cost a little bit more. Terrorism costs all of us more. To allow a narrow band of shippers to prevail on an issue that affects our security is beyond me.

Is the technology available? I will be honest with you that there is a dispute. Either way, the amendment the Senator from New Jersey and I have introduced makes sense. If it is available, they will implement it. If it is not available, they will perfect it and get it working because they have a deadline. Nothing will concentrate the mind of DHS like a deadline. But vague, amorphous language that says ''as soon as possible''—their view of ''as soon as possible'' is not enough to safeguard America.

Very few things that we do in the Senate frustrate me more than this. Why don't we force DHS and force the administration to make us safe against arguably the greatest disaster that could befall us—one that we know al-Qaida and other terrorists would like to pursue? Why do we allow laxity, just obliviousness, and a narrow special interest to prevail over what seems to be so much the common good?

I am aghast. This amendment should not even be debated by now. Maybe in 2003, maybe in 2004. But it is now 2007, and we are still not doing close to what we should be doing. Just last night, I spoke to an expert who said the technology is there. If there is a will, there is a way. Again, I say if you believe the technology isn't there, the answer isn't to let DHS proceed at the same lackadaisical pace, when one of the greatest dangers that could befall us could happen.

My colleagues, nobody wants to wake up in a ''what if'' scenario. After 9/11 occurred, we were all ''what-ifing''—what if we had done this or what if we had done that. It was hard before that because nobody envisioned that somebody would fly a whole bunch of airplanes into our buildings. We know the terrorists want to explode a nuclear device in America or off our shores. That is not a secret. I argue that that is as great a danger to us as is what is happening in Iraq. Will my colleagues say we should not spend all the money when it comes to fighting a war on terror overseas? Of course not.

The other side of the aisle says spend every nickel we need. Here, when it comes to homeland security, they are either defending an administration that has botched this issue like they botched so many others or because maybe some shipping interests complain or because they truly believe the technology is not available, and we continue to slow-walk this issue.

I will have more to say in a few minutes. I will yield the floor so my colleague from Maine and my colleague from New Jersey can have a chance to speak.

I ask unanimous consent that the remainder of my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Very briefly, the Senator from New York has spoken passionately. I agree with everything he said about the urgency of the threat and the need to protect our people from weapons of mass destruction, which may arrive in containers. But I want to come back to what I said for a few moments. There is existing law that sets up a process that compels the Secretary of Homeland Security to achieve 100 percent cargo scanning as soon as possible, based on the outcome of the three port pilot projects that are occurring this year.

My friend from New York has said that ''as soon as possible'' could be whenever the Department of Homeland Security wants, that they have been doing nothing for the 5½ years since 9/11. However, this law, the SAFE Ports Act, just became law last October 13, 2006. So the pilot programs at the three ports have just started in the last 5 months.

At the end of the year, the Secretary will make a report to Congress about how those pilots are going. Again, he is required by the law to state to the appropriate Congressional committees in April of next year, and every 6 months thereafter, the status of full-scale deployment under subsection (b), which is basically saying how soon can we get to exactly what Senators SCHUMER, MENENDEZ, COLLINS, and I and I presume everybody—wants, which is 100 percent cargo container scanning.

So, again, we think we have a mechanism. We share the same goal. If for some reason after the first 6 month report, or the second one, we are dissatisfied with the pace of implementation by the Secretary, I am sure we will all join to set a deadline. For now, the committee has decided that it is not necessary.

Mr. SCHUMER. Will my colleague yield for a question on my time?

Mr. LIEBERMAN. Certainly.

Mr. SCHUMER. Again, I have great respect for my colleague and all he has done in homeland security. But I don't get the argument. My colleague just said they will report to us, and if we are not satisfied we can later impose a deadline. Given the urgency, why not do it the other way? Put in a deadline, and if 2 years from now they say they cannot do it, they will come back to us and we can remove the deadline. It seems to me that would get them to act more quickly than the approach my colleague has suggested.

I yield for an answer.

Mr. LIEBERMAN. I thank my friend from New York. Of course, I send back the same respect to him, truly, coming from New York, particularly after 9/11, he has been an effective advocate for homeland security. My answer is this: Maybe history will show me to be an unjustified optimist. I hope ''as soon as possible,'' as stated in the law, means that we should have 100 percent scanning sooner than 5 years. I will not have a real sense of that until we get the first 6 month report, or maybe the second. So to me, again, it is the judgment of the committee to not include the House-passed provision, not recommended by the 9/11 Commission, and to give the system time to work.

Mr. SCHUMER. I yield 5 minutes of our remaining time to my colleague and fellow sponsor, Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I appreciate the leadership and advocacy of my colleague from New York to work with us on this issue. Look, the question is, On what side do we err? It seems to me we should err on the side of having a deadline that moves the Department of Homeland Security and us as a nation toward having the greatest possibility of security in a post-September 11 world.

If this was pre-September 11 and we were arguing that a conventional means of transportation—in this case a cargo ship—could, in fact, be used as a weapon of mass destruction and we hadn't had that experience, I could see the skepticism. But the reality is we are in a post-September 11 world. Five years after we saw a traditional form of transportation be used as a weapon of mass destruction, as we saw a simple envelope be tainted ultimately and be used as a weapon against an individual, as we saw someone who boarded an aircraft and tried to ignite his shoes, the reality is it doesn't take a lot to be convinced you can take 95 percent of the cargo, which goes unscanned, comes into this country, and have a great shot of including something in there, particularly a nuclear device, that would cost us far more—far more—than what we are talking about proceeding on today. Three years for major ports, 5 years for other ports—that is too fast? Ten years after September 11, that is too fast? I can't comprehend it.

There are those who say we already have a risk-based approach, it is layered, it is whatnot. That is great if you trust algorithms to ultimately protect the Nation. I don't trust algorithms to ultimately protect the Nation. I want real scanning, and the technology is there. It seems to me if Hong Kong can do it and other places in the world can do it, we can expect it as well.

There is also the suggestion of cost. How much did we spend after September 11? How much will we spend in lives and national treasure if we make a mistake by not ensuring that the traffic that comes into the ports of this country is as secure as it can be? And who among us is willing to look at the sons and daughters of those who work on the docks or the communities that surround these ports—most were built in a way where communities surround them—and what will we do about the

national economy, because it won't be just a regional economy that will be affected but a ripple effect in the national economy? How much will we spend? Far more. The lives that will be lost are incalculable and priceless.

I argue that, in fact, what we saw in the SAFE Port Act got the Department to act because they, in essence, had a deadline. So when we have deadlines, we see the Department acting. In my mind, all the more reason to have what I think is a very reasonable deadline—3 years for major ports, 5 years on all other ports, and even with the ability to extend beyond that by virtue of the Secretary making a determination. That moves the Department to understanding where we want to be.

But ultimately, I don't believe the present risk-based approach that lets 95 percent of all the cargo coming into this country go unscanned, that we depend on algorithms, that we use the costs supposedly to achieve 100-percent scanning is something that is acceptable.

The question is: How much greater will the costs be? Look at the costs we are incurring in aviation. They are enormous.

Then we won't be able to get host nations to agree: The reality is those host nations want access to the greatest market in the world, the United States of America. I cannot fathom that they won't do something that is necessary to try to get access to the greatest market in the world, the most prosperous market in the world. I think they will.

As someone who represents a State that lost 700 residents on September 11, I am not ready—I certainly am not ready—to take the position that we will do less than what we can do to achieve the security of our people. That is what this amendment is all about. It is structured in a reasonable way.

We have seen deadlines generate the Department of Homeland Security activity we want to see. We give time frames that are reasonable, technology that is available. We have incentives for all the right reasons for the marketplace and, above all, we can look at our citizens and say, in fact, they are protected.

I yield any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, I yield such time to the Senator from Maine as she desires of the time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes 5 seconds remaining.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I thank the chairman of the committee for yielding time to me.

You can read the entire 567 pages of the ''9/11 Commission Report'' as I have and you will not find a recommendation to undertake 100-percent scanning of cargo containers. This bill's purpose—the bill before us—is to finish the business of implementing the 9/11 Commission Report recommendations. Senator SCHUMER's and Senator MENENDEZ's amendment is not one of the recommendations of the 9/11 Commission.

Further, I want to address what has been said about our system for improving the security of our seaports by focusing on cargo container security.

The fact is a great deal has been done since the attacks on our country on September 11, 2001. We have a layered approach to cargo security. It balances security interests against the need for efficient movement of millions of containers through our seaports each year—11 million, in fact, last year alone.

One layer is the screening of all cargo manifests at least 24 hours before the cargo is loaded onto ships bound for our shores. That screening, along with work done by the Coast Guard, is used in DHS's automated targeting system which identifies high-risk containers.

As a result of the cargo security bill that we passed last fall, we have a requirement that 100 percent of all high-risk cargo be subjected to scanning and that is appropriate. We want to focus our resources on the cargo that is of highest risk. But that is only one layer in the process.

Another layer is the Container Security Initiative. This program stations Customs and Border Protection officers at foreign ports. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of all containerized cargo headed to the United States by sea. That is another layer of security.

There is yet another one. It is the Customs-Trade Partnership Against Terrorism Program, known as C-TPAT. This program is a cooperative effort between the Government and the private sector to secure the entire supply chain. It is a result of the legislation Senator MURRAY, Senator COLEMAN, Senator LIEBERMAN, and I authored last year.

Firms that participate in C-TPAT and secure their supply chain are given certain advantages when it comes to scanning cargo because DHS will have certified that they have met certain standards. That is an important layer of security.

There is another important safeguard that is a result of the SAFE Port Act, and that is the law requires by the end of this year that the 22 largest American ports must have radiation scanners which will ensure that 98 percent—98 percent—of inbound containers are scanned for radiation. That is because we do have the technology to do scanning for radiation. We have these radiation portal monitors that trucks can drive through with the containers loaded on them and be scanned for radiation. There is a problem with some false positives. I was describing earlier that for some reason, marble and kitty litter tend to cause false positives. But at least we identify these containers that are giving off alarms, and then they are subject to further inspection and search, and that makes sense.

I should mention we are also installing these overseas as part of the Department of Energy's Megaports Initiative.

The idea that nothing has been done to secure our seaports since 9/11 is demonstrably false. We took a giant step forward last year with the passage of the SAFE Port Act.

There is more that is being done, however, and that is, as Senator LIEBERMAN and Senator COLEMAN have explained, the new law authorizes pilot programs to test 100-percent integrated scanning programs.

We keep hearing Hong Kong brought up, but the fact is, in Hong Kong, there is scanning being done on only 2 of 40 lines, and the images are not being read. What good is it to take the picture, the X-ray, essentially, but then not have anyone analyzing the images? How does that increase security?

We still will learn something from the Hong Kong project, but I think we are going to learn even more from the three projects the Department has started already as a result of the SAFE Port Act.

There have been allegations that somehow the Department is sitting on its hands. That is not true. In fact, three ports—one in the United Kingdom, one in Honduras, and one in Pakistan—have been selected already and the projects are going forward to test these pilot programs. I think that is important to know.

So we have made a great deal of progress. We are going to make more as a result of these pilot projects. But the whole point is until we have the technology in place to do this effectively and efficiently, it will cause a massive backup in our ports if we are trying to scan 11 million containers—low-risk containers, containers that pose absolutely no threat to the security of this country—and that approach does not make sense.

Finally, let me read something from the Chamber of Commerce which has sent around an alert on this issue because I think this summarizes the issue:

> The Chamber points out that more than 11 million containers arrive at our Nation's seaports each year and 95 percent of our Nation's trade flows through our seaports.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. COLLINS. Madam President, I ask unanimous consent that I be given 45 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I continuing quoting the Chamber of Commerce:

> If adopted, the Schumer amendment would significantly disrupt the flow of trade and impose costly mandates on American businesses without providing additional security.

That is the bottom line. I urge the rejection of the Schumer amendment, and when the time has expired, I will move to table the amendment.

Mr. SCHUMER. Madam President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New York is recognized. There is 3 minutes 1 second remaining.

Mr. SCHUMER. Madam President, first, I thank my colleague from Maine for helping make our case. She says the technology for detecting radiation is available. Who in God's name thinks if we didn't set a deadline or if the President didn't order DHS to make it the highest priority that we wouldn't find a way to scan all containers within 5 years? Of course we would. This is just defense of DHS. I say to my colleagues, DHS has a terrible track record in this area, like so many others. They have been asked to do this for years already, and they are nowhere.

Now, my good friend from Connecticut says: Well, on October 13, we passed legislation. Well, that is 3 years after 9/11. What is wrong, my colleagues? Why isn't everything right with a deadline that says you better move as quickly as you can? Yes, if they should need, if they come to us 3 years from now and we are convinced that they have done everything they can, that the money has been spent, that the experts have been contacted and used appropriately, then we can delay it. Instead, we have this approach which seems to me to be backward—let us delay another 2 or 3 years, and if they do not do a good job, we can then put in a deadline.

No one is arguing we shouldn't have deadlines. The argument boils down to, do you trust DHS to do the job or would you rather have an immutable deadline on something which is the most damaging thing? I can't think of anything worse or close to it than a nuclear weapon exploding in America or off our shores. The technology is there, my colleagues. Yes, DHS doesn't want to spend the money necessary. Yes, DHS has not had very good people in this Department.

How are my colleagues going to go home and tell their constituents that when there was a chance to really move an agency and set a deadline, as the House did—this is not some crazy idea; the House voted by a significant majority for it—that they didn't do it, they didn't do it because they had faith in DHS? I don't know who does. How do my colleagues say they didn't do it because their port or a shipping company said they didn't want to do it or they didn't do it because they didn't think it was that big a problem? I don't think any of those reasons stand up. I don't think any of them stand up.

I have to say I have listened carefully to my colleagues, and I have great respect for them and the jobs they do, but their arguments just don't wash: Let's give them another chance. My colleagues, when it comes to this problem, we can't afford to give them another chance.

I urge a vote for the amendment.

Madam President, I ask unanimous consent that Senators KENNEDY, LAUTENBERG, and BIDEN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from New York has expired. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, has all time expired?

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Ms. COLLINS. Madam President, I yield back the remainder of my time.

Madam President, I move to table the Schumer amendment, and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—58

Akaka	Cornyn	Lugar
Alexander	Craig	Martinez
Allard	DeMint	McConnell
Bennett	Dole	Murkowski
Bingaman	Domenici	Murray
Bond	Ensign	Nelson (NE)
Brown	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Byrd	Hagel	Snowe
Cantwell	Hatch	Stevens
Carper	Hutchison	Sununu
Chambliss	Inhofe	Thomas
Coburn	Inouye	Thune
Cochran	Isakson	Voinovich
Coleman	Kyl	Warner
Collins	Landrieu	Wyden
Conrad	Lieberman	
Corker	Lott	

NAYS—38

Baucus	Kennedy	Pryor
Bayh	Kerry	Reed
Biden	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Dodd	Lincoln	Specter
Dorgan	McCaskill	Stabenow
Durbin	Menendez	Tester
Feingold	Mikulski	Webb
Feinstein	Nelson (FL)	Whitehouse
Harkin	Obama	

NOT VOTING—4

Crapo	McCain
Johnson	Vitter

The motion was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, more than 11 million cargo containers enter the United States each year. One hundred percent of the shipping manifests are screened to determine their risk. Approximately 17 to 19 percent of those containers determined to be high risk are examined by screening machines using xray or gamma ray technology, and only 5 percent of containers are physically opened and examined. This is not satisfactory. Clearly, much more needs to be done to increase the number of containers that are screened prior to entering this country. Only a more robust system will provide the deterrence necessary to make America safer.

I have been a leader in the effort to provide additional funding to purchase screening equipment and hire the personnel to perform these inspections. Nevertheless, I voted to table the amendment of the Senator from New York, Mr. SCHUMER. I believe we must set realistic goals. There is a process which has been set in place by the SAFE Port Act to get us to the ability to conduct 100 percent inspections. I will continue to do all in my power to provide the funds to ensure that we reach an achievable goal as rapidly as possible.

The PRESIDING OFFICER. The Senator from Texas.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 734 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I note the presence of a friend and colleague from Hawaii, a distinguished member of our Homeland Security Committee. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business on the REAL ID Act, and I thank the chairman for his agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, today the Department of Homeland Security released its much anticipated proposed

regulations implementing the REAL ID Act of 2005. Although I am still reviewing the 162 pages of regulations, I note that the regulations address the problems with the statutory May 11, 2008, deadline for compliance. However, the regulations remain troublesome because they reflect the problems of the underlying statute.

I intend to ensure that these problems are resolved, which is why I reintroduced the Identity Security Enhancement Act, S. 717, to repeal REAL ID and replace it with the negotiated rulemaking process and the more reasonable guidelines established in the Intelligence Reform and Terrorism Prevention Act of 2004.

I am pleased to be joined ''by Senators SUNUNU, LEAHY, and TESTER. I also thank Senator COLLINS for her work on this issue.

From its inception, REAL ID has been surrounded in controversy and subject to criticism from both ends of the political spectrum. The act places a significant unfunded mandate on States and is a serious threat to privacy and civil liberties.

I support the goal of making our identification cards and driver's licenses more secure, as recommended by the 9/11 Commission. However, the massive amounts of personal information that would be stored in interconnected databases, as well as on the card, could provide one-stop shopping for identity thieves. As a result, REAL ID could make us less secure by giving us a false sense of security.

Nearly half of our Nation's State legislatures—22—have acted to introduce or to pass legislation to condemn REAL ID since the beginning of the year. In some cases, States would be prohibited from spending money to implement the act. Two bills have been introduced in the Hawaii State legislature, one supporting the repeal of REAL ID and the other supporting passage of my legislation.

As I noted earlier, DHS has acknowledged the implementation problems and the need to help address the burdens on States. Secretary Chertoff announced today that States could easily apply for a waiver from the compliance deadline and could use up to 20 percent of the State's Homeland Security Grant Program, SHSGP, funds to pay for REAL ID implementation. But this is a hollow solution. The President's fiscal year 2008 budget proposes to cut SHSGP by $835 million. I fail to see how States are able to implement an $11 billion program with Federal homeland security grants that the Bush administration continues to cut.

Moreover, the regulations proposed today fail to address several of the most critical privacy and civil liberties issues raised by REAL ID, which essentially creates a national ID. No hearings were held on REAL ID when it was passed as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act in 2005. I think this is part of the problem and is where I hope to bring forth a solution.

As chairman of the Subcommittee on Oversight of Government Management, I plan to hold hearings in the near future to review the proposed regulations and how DHS plans to implement this costly and controversial law. Unfunded mandates and the lack of privacy and security requirements are real problems that deserve real consideration and real solutions. Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are affordable, practical, and secure—both from would-be terrorists and identity thieves.

I look forward to working with my colleagues—Senators SUNUNU, LEAHY, TESTER, COLLINS and others—to address the real problems with REAL ID.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to talk as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under ''Morning Business.'')

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. DEMINT. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Salazar amendment is the pending amendment before the Senate.

AMENDMENT NO. 314 TO AMENDMENT NO. 275

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside and I be allowed to offer an amendment, which I am sending to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 314 to amendment No. 275.

The amendment is as follows:

(Purpose: To strike the provision that revises the personnel management practices of the Transportation Security Administration)

On page 215, strike line 6 and all that follows through page 219, line 7.

AMENDMENT NO. 315 TO AMENDMENT NO. 275

Mr. LIEBERMAN. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 315 to Amendment No. 275.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the language proposed to be stricken:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '', or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

AMENDMENT NO. 316 TO AMENDMENT NO. 315

Mrs. MCCASKILL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL] proposes an amendment numbered 316 to amendment No. 315.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide appeal rights and employee engagement mechanisms for passenger and property screeners)

In the Amendment strike all after ''**SEC.**'' on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

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(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 314

Mr. DEMINT. Mr. President, I thank the managers for their hard work. They sincerely want to strengthen homeland security and want to keep this bill focused on that goal and not allow it to be tangled up in partisan issues. That is my goal, too. That is why I am offering this amendment today.

The provision in this bill, found on page 215, that reverses a critical homeland security policy and introduces collective bargaining for airport screeners who work at the Transportation Security Administration, or what we call the TSA, has nothing to do with improving our homeland security. It was certainly not recommended by the 9/11 Commission. My amendment would strike this provision so TSA can continue to protect us from another terrorist attack.

It may be helpful to review the history of this debate so my colleagues understand how we got here. Just 5 years ago, Congress voted in favor of a flexible personnel management system at TSA in recognition that special flexibility is necessary to protect American passengers from terrorists. This system allows security screeners to join a union, but it doesn't tie the hands of TSA when it comes to managing its workforce and protecting the American people.

Collective bargaining, however, would allow labor unions to stand between TSA and its employees in ways that would make the agency less flexible and less nimble and create an operational and security disaster. Mr. President, collective bargaining has been a topic of discussion since TSA's inception. It is important that my colleagues know that it has been evaluated and rejected in every instance as something that would be harmful to our safety.

First, in 2001, collective bargaining was not included in the Aviation and Transportation Security Act when TSA was first created.

Second, in 2003, collective bargaining was rejected by the TSA Administrator for security reasons.

Third, in 2004, collective bargaining was not recommended by the 9/11 Commission.

I need to repeat that because it is important. This whole bill is designed to fulfill the recommendations of the 9/11 Commission, and they did not mention anything about collective bargaining.

Finally, the decision against collective bargaining at TSA has been upheld by multiple Federal and labor relations courts between 2002 and 2006.

Now I will outline six of the negative security consequences of this dramatic change in policy. First, TSA currently uses a security strategy as recommended by the 9/11 Commission that is based on flexible, random, and unpredictable methods. This approach keeps would-be attackers off guard.

Under collective bargaining, TSA will have to negotiate a predetermined framework within which the agency will be required to operate. This policy was not recommended in the 9/11 Commission Report, and it goes directly against the Commission's recommendations. This will weaken our security.

Second, TSA currently establishes security protocols on a national and international basis without having to bargain in advance over the impact of these protocols.

Under collective bargaining, TSA will be required to negotiate on every security protocol with multiple unions on an airport-by-airport basis. At its worst, this could stop many critical new security protocols, but even at its best it will slow them down. This will weaken our security.

Third, TSA currently shifts resources in real time without having to inform any entity. Under collective bargaining, redeployment decisions will be subject to binding arbitration review by a third party who has no Government or security experience but has authority to reverse TSA security decisions.

As my colleagues know, arbitration can take months or even years to resolve. This will weaken our security.

Fourth, TSA currently moves, upgrades, replaces, and repositions equipment to stay in tune with operational requirements. Under collective bargaining, equipment deployment will be subject to a 60- to 180-day negotiation process. All information, including standard operating procedures and tactics, will also be subject to union negotiation. This will weaken our security.

Fifth, TSA currently protects sensitive security information, such as the security resources at a particular site, and releases this information only to those who need to know.

Under collective bargaining, TSA will be required to disclose security information to third party negotiators and arbitrators, increasing the risk of unauthorized information release. This will weaken our security.

Sixth, and finally, TSA currently deploys many innovative security programs within weeks. Under collective bargaining, new positions and promotions will all be subject to months, or years, of impact in implementation.

TSA provided just-in-time explosive training to more than 38,000 security screeners in less than 3 weeks in November of 2005. Under collective bargaining, training is subject to negotiation on the need, design, order of training delivered, and method of delivery. This process could add 60 to 180 days to security training programs and weaken our security.

I know my colleagues understand the need for TSA to be able to move quickly, so I want to make sure everyone knows how slow and how cumbersome collective bargaining will be. Let's please keep in mind as we look at this situation the whole purpose of TSA is to protect our country. That is their first priority. We cannot allow the unionization and union requirements to preempt this first priority of TSA.

Today, TSA—and I know this is very difficult to read—can implement its changes in 1 day or less, and we will talk about some of those examples. But under collective bargaining, it can take up to 568 days to work out the negotiations and possible litigation that could occur when they are trying to establish new protocols. This is not acceptable when it comes to protecting our country.

If we introduce collective bargaining at TSA as proposed in this bill, changes could take, as I said, up to 568 days. My colleagues can see a collective bargaining process starts with up to 14 days of advance notice, up to 14 days for the union to decide how they are going to negotiate, plus up to 180 days to negotiate, and followed by 7 days to implement.

This whole process does not fit with national security interests. I hope my colleagues agree that this is too long and too cumbersome to subject our Nation's security to.

I wish to share with my colleagues several real-world examples of how TSA has been able to rapidly respond to security threats. I will point the attention of my colleagues to the United Kingdom bomb plot, of which we are all aware, last August in 2006. On August 10 of last year, information about one of the most spectacular terrorist plots since 9/11 was shared with TSA. TSA worked very quickly to develop a plan that would, over the course of 12 hours, ban all liquids beyond the security checkpoint and enact the quickest changes to the prohibited items list in history. It was simply the most drastic change airport security had ever undergone, and it happened in less than 6 hours from the time the arrest of the alleged terrorists was revealed.

I understand one of my colleagues has offered an amendment that would undercut the whole idea of this bill and force TSA to prove it is an emergency or an imminent threat in order to take the action we did when this plot was revealed.

What will TSA have to go through to prove there is an emergency? What kind of court case, what kind of litigation, what kind of hearings in Congress will they have to go through to prove it is an emergency? This attempt to gut this bill makes it worse than the underlying bill because it subjects our security to constant litigation and second-guessing.

The success of this operation—this United Kingdom bomb plot—was based on a number of factors, including a nimble and professional workforce who is highly trained and rewarded for their performance: an ability to change procedures within hours, expertise in dealing with the public to educate, inform, and help them handle the changes, and a commitment to security in the face of emerging threats. This is a clear example of why we should not tie TSA's hands and prevent it from accomplishing its security mission.

Another example of how TSA has been able to react quickly happened last July, when Lebanon erupted into violence and fighting broke out, leaving thousands of Americans trapped in between the warring factions. The Government of the United States safely evacuated these Americans and thousands of other refugees.

From July 22 to July 31, TSA officers helped to secure 58 chartered flights from Cypress to the United States and screened over 11,000 passengers. The overseas and domestic deployment was the first of its kind, and it demonstrated TSA's ability to use its flexible structure to appropriately respond to both domestic and overseas needs.

TSA delivered on its security mission and ensured the security of arriving airplanes and passengers. The mission was designed, executed, and people were being screened overseas within 96 hours, which is remarkable for a Government agency that had never deployed overseas and had not envisioned a need to do so.

It is important for us to remember at this point the amendment that has been offered to change my amendment would likely have resulted by now with TSA being in court, being challenged as to whether the situation in Lebanon was an imminent threat to our country, which is the language of the amendment that has been offered to change this bill.

We cannot water down our Nation's security by allowing TSA to have to follow collective bargaining rules or, which has been proposed, prove it is an emergency or an imminent threat. This would create a heyday for lawyers.

If these operations had been subject to arbitration and review required by collective bargaining, changes in deployments of personnel would have required notification on TSA's management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiation, even using an expedited process.

TSA's response to the United Kingdom terrorist plot was developed in 12 hours, and the screeners were deployed to Lebanon and Cypress within 96 hours, response times that would have been significantly delayed by days and weeks, if not made impossible, had the notification and negotiation requirements in this bill been in effect. We cannot allow that to happen to our Nation's security.

I would now like to outline three ways collective bargaining will negatively affect workforce performance.

First, TSA currently uses a paid-for performance system that is based on technical competence, readiness for duty, and operational performance. Top security screeners receive a 5-percent base pay increase on top of a 2.1-percent cost-of-living adjustment and a $3,000 bonus.

Under collective bargaining, this paid-for performance system will be replaced with a pass-fail system based heavily on seniority that will not adequately assess technical skills. The collective bargaining system will not reward screening performance or good customer service, and it will reduce standards. This will weaken workforce performance.

Second, TSA can also currently remove ineffective security screeners within 72 hours. Imagine that: The frontline security of our country can identify someone who is not doing their job and remove them so our country and the airline passengers can be safe.

Under collective bargaining, however, arbitration proceedings will retain substandard employees for months, preventing the hiring of replacement officers. This process could take 90 to 240 days and will reduce overall workforce performance. This will weaken workforce performance.

Third, TSA currently uses multiple screening disciplines, adding interlocking layers of security. Under collective bargaining, employees will be able to refuse multidisciplinary jobs resulting in fewer resources to serve passenger checkpoints. This will weaken workforce performance.

My colleagues should know exactly how this weakened workforce performance affects air travelers in our country, and we can have a good look at how that is going to affect us by looking at Canada. A recent incident in Canada provides a great example.

Canada's air security system does not have the flexibility that TSA enjoys. Last Thanksgiving, as part of a labor dispute, passenger luggage was not properly screened and sometimes not screened at all as airport screeners engaged in a work-to-rule campaign, as they called it, creating long lines at the Toronto airport.

A government report found that to clear the lines, about 250,000 passengers were rushed through with minimal or

no screening whatsoever. One Canadian security expert was quoted as saying that if terrorists had known that in those 3 days their baggage wasn't going to be searched, that would have been bad. That is an understatement of the year. We cannot afford to have this kind of union-sponsored disruption at our airports. The Canadian union's airport security was not allowed to strike either, but we can see what they did in order to disrupt the proper screening of baggage there. This would happen in our country as well.

I think it is also important that people know how collective bargaining will impact passenger service. I know that for most Americans, security is the No. 1 goal when it comes to air travel, but they also want security operations to be efficient and not needlessly disrupt their schedules.

I know my colleagues would be pleased to know that TSA has managed the growth of passenger travel and kept average peak wait times to less than 12 minutes. Under collective bargaining, TSA will have to pull at least 3,500 screeners, or 8 percent of the total workforce, off a line to fulfill the needs of the new labor-management infrastructure. This would close at least 250 screening lanes, causing longer lines at checkpoints.

Under these circumstances, average wait times would increase from 12 minutes at peak to more than 30 minutes. This is something that will be very unpopular, especially given the fact that these longer wait lines come with less security.

TSA is also currently capable of relocating security screeners to enable ontime aircraft departures. Under collective bargaining, negotiating job stations and functions will result in poor staffing, leading to longer lines, late flight departures, and other adverse industry impacts. Americans want to make their flights, and they will not support needless delays that come at the expense of their security.

I think it is also important that my colleagues understand what I am talking about and how it could play out in real terms.

During Hurricane Katrina, TSA deployed security officers from around the country to New Orleans to screen evacuees during the aftermath of the storm. This response allowed them to evacuate 22,000 men, women, and children through the airport safely and securely. Several weeks later, TSA responded the same in response to Hurricane Rita in Houston. Security screeners left their home airports with little notice to fly to Houston to help those in need.

Another example of how TSA has been able to react quickly to weather-related events occurred this past December when a big snowstorm hit Denver. Because local TSA employees were unable to get to the airport, TSA responded quickly by deploying 55 officers from Las Vegas, Salt Lake City, and Colorado Springs to Denver. The deployment allowed TSA to open every security lane around the clock at the airport until they were back to normal operations.

Should we force TSA to prove this was an imminent danger or an emergency before they respond to the needs of the American people? That is what the second-degree amendment is intended to do. We cannot allow that. That will weaken our security.

These operations have been subject to arbitration review required by collective bargaining. Changes in deployment of personnel would have required notification by TSA management to the collective bargaining unit, followed by a response accepting the changes in employment conditions or proposing modifications. This process would have created time-consuming rounds of negotiations, even using an expedited process. Americans do not want needless bureaucracy in our airports, especially when it comes at the expense of our safety.

I also want my colleagues to understand the amount of money collective bargaining is going to cost and how it will impact TSA's operation in air travel security.

The first year startup costs of creating a collective bargaining infrastructure is conservatively estimated at $160 million, forcing TSA to relocate thousands of screeners currently working on aviation security. Since there is no money allocated for this change, this mandate would force TSA to pull 3,500 transportation security officers, or 8 percent of the total workforce, off the checkpoints.

These officers equate to 250 of the 2,054 active screening lanes across the Nation at any given time, closing 250 lanes. This impact is equivalent to closing all the checkpoint screening lanes in Chicago, Los Angeles, Boston, and New York. This impact is the equivalent of closing all screening operations across the system 1 day every week. This impact would result in failing to screen 300,000 passengers every day.

Some may say we should increase spending for TSA by $160 million. But if we have this money, why use it to pay for redtape? Let's use it for security.

I also want to address some of the objections to TSA's flexible management. First, those who want collective bargaining at TSA say they want screeners to be treated as every other Federal employee. That would be fine, except for the fact they are not like every other Federal employee. They have a mission to protect the American people, and collective bargaining will prevent them from accomplishing this mission.

Second, those who want collective bargaining at TSA say it will lead to lower attrition and, therefore, more safety. Collective bargaining may lead to lower rates of attrition, but it will not lead to more security.

I am sure there are security screeners who would like to be guaranteed lifetime employment, but that would prohibit TSA from keeping America safe. TSA currently has the ability to reward screeners based on their performance and to remove those screeners who are not performing. That is what ensures safety, not a workforce that is rewarded for seniority and is not accountable.

We have also heard the supporters of collective bargaining at TSA say it is working at Customs and border control. First, I take issue with the claim it is working with Customs or working at our borders. Our Customs agency has experienced numerous delays and complications in securing our borders that have been caused by collective bargaining. I think our Customs agency and border security should have the same flexibility TSA enjoys, and it is a debate we should have as we look at ways to better secure our borders.

Let's make sure we understand what we are saying. Advocates of collective bargaining for airport security are saying our border security has worked well. It is hard to look at 10 to 12 million illegal aliens in our country and say our border security is working well. It is not working well.

We are also hearing increasingly from all over the world that our customs process is among the worst in the world. Our tourism is down and our business visits are down because we are making it harder and harder for people from around the world to get into our country. Our customs system doesn't work and neither does our border security.

The supporters of collective bargaining at TSA also believe our screeners are lacking important protections to address their grievances. I hope my colleagues know TSA has given screeners the ability to have their whistleblower complaints reviewed by the Office of the Independent Counsel, even though it is not required in law. Critics also claim screeners do not have the ability to appeal adverse actions against them, such as suspensions and terminations, through the Merit System Protection Board. This is true, but TSA has created its own disciplinary review board that provides workers with relief faster than the Merit System Protection Board.

I want my colleagues to understand what all of this means for unions, because I am afraid that is what this policy is all about. Unionizing the 48,000 workers at TSA will give labor unions a $17 million annual windfall in dues from these new union workers. Let me share a quote. For my colleagues who doubt this policy is being driven by unions, I want them to hear what was said earlier this week by two leaders of the American Federation of Government Employees, which is affiliated with the AFL–CIO. They said:

> We must gain 40,000 new members a year to break even today. But because of the age of our members and pending retirements, that number will grow to 50,000 in 2 years and probably 60,000 a few years after that.

An additional comment:

This campaign is the perfect opportunity to convince TSA employees to join our union and become activist volunteers in our one great union.

The purpose of TSA is not to create activist volunteers for unions. It is to protect our country. Again, I need to remind my colleagues the top priority of Homeland Security and TSA is to protect Americans.

I conclude by saying this is a very serious issue, and I encourage all my colleagues to think about it carefully. We all want workers to have better benefits, but that is not what this debate is about. TSA offers great benefits and important protections to its workforce. This debate is about how to keep our country safe, and we cannot tie TSA up in knots of redtape.

I understand the unions want this new policy because it will add thousands of new dues-paying members to their rolls, but they are going to have to live without it in order to keep our country safe. This bill is about doing things that will prevent another 9/11 attack. Adding an earmark for labor unions that prevents TSA from doing its job is the last thing we should do.

I realize the Senator from Connecticut feels strongly about this issue, and I know I probably haven't changed his mind. Unionizing the Federal workforce is something that is very important to him, and it is something he has worked on for many years, most notably when Congress created the new Department of Homeland Security in 2002. I also realize the majority leader has impressed upon the Senators on the other side of the aisle to stick together in supporting this destructive policy. This is very disappointing, because it shows the majority may be more interested in having a political showdown than they are in strengthening our security.

The President has issued a veto threat on this bill if it creates collective bargaining at TSA, and there are enough Senators to sustain it. That leaves us with two options: We can remove this misguided position and preserve the bill or we can let the bill die. I simply ask my colleagues: Is this union earmark worth killing this bill for? I don't think so.

I think it is important to also note the second-degree amendment that is being offered to change my amendment is not supported by Homeland Security. In fact, they believe it will make this bill worse than it is right now.

My colleagues, I ask everyone to set aside the partisan politics, set aside special interests, and let us continue to improve TSA, our Transportation Security Agency. They have demonstrated that while there have been a lot of problems with starting up a new agency, each year they have gotten better. Each year their workforce has gotten better trained. Each year we are moving passengers through with less and less inconvenience and better and better security. This is not the time to turn back. This is not the time to play politics and payback with our security.

I encourage everyone to take a careful look at this amendment and I ask my colleagues to support it.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I have listened to the arguments of my colleague on the other side of the aisle, and I believe the amendment I have offered answers many of his concerns but also provides basic rights for our 40,000-some TSA officers across this country.

Let us first talk about what this amendment does that I have offered. It does three things, three simple things. First, it gives them whistleblower protection.

As somebody who has spent 8 years as an auditor, as someone who has spent a great deal of time figuring out where Government is doing its job well and not so well, I understand the importance of whistleblower protection. The best information you get as an auditor comes from the employees of the Government, and they all must be reassured, especially those working on the front line of security, that they will be protected if they tell things they see that need to be fixed. That is important.

Secondly, this bill gives them the right to appeal suspensions of 14 days or more to an independent board, as other Federal workers.

It also gives them the right to collectively bargain, like the Border Patrol, like the Capitol Police, like FEMA employees, and like Immigration and Customs Enforcement.

What does this amendment not do? It is important to understand the limitations in this amendment. First, it makes sure they do not have the right to strike.

Secondly, it prohibits them from bargaining for higher pay. They cannot bargain for higher pay. This is important, because my colleagues spent a great deal of time talking about safety. It explicitly states that no classified or sensitive intelligence can be divulged or released during any grievance process.

It goes further than the original legislation and the original amendment by saying the TSA Administrator or the Secretary of Homeland Security can take whatever actions necessary to carry out an agency mission during emergencies and whenever needed to address newly imminent threats. No questions asked. These employees have to follow orders. In any emergency, the director has the complete and immediate control over these workers. Let me emphasize that again. In any emergency the director, the administrator have complete control over anything these workers should do.

By the way, as an aside, having talked with and been around these screening officers many times as I move through the airports, I think it is a little insulting to them to act as if they would not respond when directed to an emergency. Americans across the board want to do what is right in times of crisis for our country. To indicate these Americans would not do what was asked of them in time of an emergency, and that they would try to rely on some kind of right under the law to not do what is necessary in an emergency, frankly, I think, is unfair to them.

What does collective bargaining get these workers? It provides a structure for quick and fair resolution of grievances and workplace disputes. It provides a forum to discuss health and safety issues, which will reduce the number of on-the-job injuries suffered by TSOs. It reduces the high TSO turnover rate.

Let's talk about that turnover rate. Talk about saving money. Think of the money we are investing in these officers that is wasted right now. We have a 23-percent annual turnover among these screening officers. Among the part-time officers, it is 50 percent. As somebody who has worried about the bottom line in a private business, that kind of turnover is completely unacceptable in terms of the costs.

Let's look at the safety issue. The experience we are losing by that kind of turnover—and I am not talking about people being dismissed for bad conduct or getting rid of bad screeners; I am talking about people who are leaving. That turnover rate, if you don't consider anything else, should tell my colleagues something is wrong. I believe what is wrong is they do not have the basic rights and protections other Federal workers have.

It increases public safety by allowing the TSOs to go through their union to expose threats to aviation security without fear of retaliation. It addresses procedures for emergency and security situations so workers are fully aware of their duties in the event of an emergency.

This is a good amendment for everyone. It puts these workers on equal footing with other Federal workers. It does not give them the right to strike. It does not give them the right to refuse to be deployed in case of an emergency. It does not allow them to negotiate for higher pay.

I was not a Senator at the time, but I understand that the Department of Homeland Security needed the flexibility to get up and running when the agency was first created years ago—5 years ago; more than 5 years ago.

But they are no longer processing 5,000 more screener applications per month in order to transition from a private force to a Federal force. We are no longer scrambling to create a Department of Homeland Security. We are now in a position to professionalize. We are now in a position to professionalize airport officers and give them basic worker protections and, as a result, we will have a seasoned staff and much better security.

My colleague mentioned the threatened veto. That is kind of hard to figure out. It is hard to imagine that the President would use a veto to veto legislation that is all about making our country safer, all of the provisions that this bill will contain, that will go directly to the heart of the matter of the safety of our Nation, that will do what the 9/11 Commission wanted. It is hard to imagine, because the President does not like unions, that he would threaten to veto this bill just because we want to give the same basic worker protections to the screeners at airports that the Border Patrol, the Capitol Police, and immigration officials currently have.

I cannot imagine that the President would veto under those circumstances. I can't imagine that the American public would think that is a good use of a veto pen. I can't imagine that some of our colleagues who think that unions are the enemy would use the collective bargaining rights—that are so limited in scope in this amendment—as an excuse to stop this concerted effort that we are all making to do what we must do to improve homeland security.

If we continue to treat our TSA officers different from their colleagues in the Border Patrol and their colleagues in homeland security, we will never have the seasoned and professional and experienced staff in place as part of our important effort to protect the Nation's transportation system and the people who live and work and care about the United States of America.

Mr. DEMINT. Will the Senator yield for a question?

Mrs. MCCASKILL. Sure.

Mr. DEMINT. I want to make sure I understand the provisions in the Senator's amendment. I know one of them is TSA, in order to act quickly and make changes rapidly, would need to establish that there is an emergency.

My question is, Would the ongoing global war on terror be considered an emergency?

Mrs. MCCASKILL. I do not believe declaring that we have a problem with terrorism worldwide, that is a status quo day in and day out, would be considered a day-to-day emergency. The examples you used, however, of Hurricane Katrina or the necessity to respond in Lebanon—I think those issues certainly would be issues that the professionals at TSA, the officers, would want to respond to quickly.

Mr. DEMINT. I know another criterion is that if they could establish that we have a newly imminent threat they could act quickly to respond and not go through the collective bargaining process. Would al-Qaida be considered a newly imminent threat?

Mrs. MCCASKILL. I understand the point my colleague is trying to make. I would say there are a whole lot of things that some are trying to put under the rubric of a continuing threat against America. There have been proposals to take away some basic constitutional rights. There have been proposals to change the way we view some of the rights and privileges that Americans have.

I think to say that these workers don't get the same benefits as the Border Patrol or Customs agents just because they are screening in airports, under this rubric that we have to be concerned about worldwide terror, is specious reasoning.

Mr. DEMINT. If I could make one last appeal? This document is the collective bargaining procedures the border agents have for just one unit. This bill opens the possibility of literally hundreds of unions in every airport. I appeal to my colleagues. If every airport has to deal with separate collective bargaining arrangements and has to establish an emergency or imminent threat on every occasion, and we can second-guess them in Congress—and lawyers will—I think we need to work together to make sure we come to the best conclusion. I know the amendment of the Senator is well intended. Hopefully we can discuss it more on the floor tomorrow or next week.

Mrs. MCCASKILL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to speak against the amendment offered by my colleague, Senator DEMINT, and in support of employee protections for Transportation Security Officers TSOs at the Transportation Security Administration

It is only fair to give TSOs the same rights and protections as other employees at the Department of Homeland Security.

The provision in S. 4 would allow the President to put TSOs in the same personnel system that President Bush argued was needed for homeland security employees in 2002 in order to put the right people in the right jobs at the right pay—to hold employees accountable—and to reorganize and quickly shift resources to meet new terrorist threats.

Although DHS was authorized to waive certain provisions of title 5 related to pay, labor relations, and employee appeals in order to protect the U.S. from terrorists attacks, other employee rights and protections remained—veterans preference, collective bargaining, and full whistleblower rights with appeal to the Merit Systems Protection Board, MSPB.

It is wrong to deny these basic rights and protections to TSOs—who work for DHS.

Because TSOs lack employee protections, they have one of the largest attrition rates, one of the highest workers compensation claims, and one of the lowest levels of morale among Federal employees.

I recognize the efforts by TSA to address these issues, but I firmly believe that the gains made by those efforts are only temporary if employees continually feel threatened by retaliatory action or that they cannot bring their concerns to management.

National security is jeopardized if agencies charged with protecting our Nation continually lose trained and talented employees due to workplace injuries and a lack of employee protections—including protection against retaliation for blowing the whistle on security breaches.

Moreover, the whole point of creating DHS was to consolidate 22 agencies into one entity in order to prevent and respond to terrorist attacks. By denying TSOs the same rights provided to other DHS employees, we are reinforcing the very stovepipes we sought to tear down with the Homeland Security Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is a very difficult issue that is now before the Senate. The Aviation Transportation Security Act provided TSA with flexibility with respect to the critical national security mission of TSA security officers. These management authorities allow TSA to shift resources and implement new procedures daily, in some cases hourly, to respond to critical intelligence and to meet an ever-changing airline schedule. This was made very clear to us in a classified briefing that I attended yesterday. Sometimes these situations can be classified as emergencies. Other times the day-to-day situations, such as a flight gets canceled, still require extensive modifications that may not constitute emergencies.

I think, however, that there is a middle ground in this debate. I think we can find a solution, and I am working with Senators on both sides of the aisle to try to see if there is a middle ground. It seems to me that TSA does need some flexibility to allow it to adjust the workforce in order to provide additional security. That happened in response to the United Kingdom air bombing plot last summer. In that case, TSA changed the nature of employees' work and even the location of their work to respond to that emergency.

But I see no reason TSA employees cannot have the protections of the Whistleblower Protection Act, for example. There is no reason they should not have the same protections as other Federal employees and be brought under that law.

Similarly, I think there should be some way for TSA employees to have the right to appeal adverse actions, such as a removal, a suspension action, a reduction in grade level or pay that has been taken away from them. I am still exploring this issue, but it seems to me that they should have the right to appeal adverse employment actions to the Merit System Protection Board.

I know there is another one of my colleagues waiting to speak, so I am not going to go into great detail tonight. But let me say that I do not think this is an all-or-nothing situation as, unfortunately, much of the debate suggested tonight. I do not think

that we have to deny TSA employees whistleblower protections and the right to appeal adverse employment actions in the name of security. I think we can still achieve our vital security goals while affording TSA employees employment rights when an adverse action is taken, appellate rights. I also believe there is absolutely no reason they can't be brought under the Whistleblower Protection Act.

I ask my colleagues to take a close look at this issue. I think it is unfortunate that the debate has been so polarized on this issue and that it is being portrayed as whether you appreciate the work done by the TSO's or whether you don't appreciate it or whether you are pro-union or anti-union. That does not do justice to the debate before us. I believe we can come up with a middle ground that gives TSA the flexibility it truly needs to be able to change working conditions, working hours, unexpectedly to respond to critical intelligence and new threats, or canceled flights for that matter, without depriving TSA employees of other rights that Federal employees enjoy and that they should enjoy, too.

Part of the problem is—and then I am going to yield to my colleague who I see is waiting—we have not had the kind of thorough review of this issue that is needed. I hope Senator AKAKA and Senator VOINOVICH, who are the leaders on civil service issues on the Homeland Security and Governmental Affairs Committee, might hold hearings to take a close look at this and to bring in the experts and hear from the employees, hear from the employees' representatives, the unions, TSA; to have the kind of information that Kip Holly, the head of TSA, has provided us in the past few days.

I think that while it is premature to do what the committee did on the spur of the moment, I also am not enamored of the idea of just striking all of that.

I think there is a middle ground and with goodwill and a sincere effort we can find it. I hope we would avoid what I saw tonight—where the tree was filled up instantly to block alternatives, to block an attempt, a good-faith attempt to find that middle ground.

I am going to keep working on that along with interested colleagues, and I hope that, in fact, maybe we can find a compromise that achieves our goals.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from North Dakota.

AMENDMENT NO. 313 TO AMENDMENT NO. 275

Mr. DORGAN. Mr. President, I thank my colleague from Maine.

I have an amendment at the desk on behalf of myself and Senator CONRAD. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I call up my amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 313 to amendment No. 275.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda)

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a ''secure hideout in Pakistan'' was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

Mr. DORGAN. Mr. President, this is an amendment which is similar to one Senator CONRAD and I have offered previously. It deals with the issue of al-Qaeda and its leadership. It has been now 5½ years since that fateful morning with the bright sunshine and the blue sky here in Washington, DC, when I was looking out the window of the leadership meeting which I was attending that Tuesday. We could see the smoke rising from the Pentagon because of the attacks. We watched on television the collapse of the World Trade towers, attacked by commercial airplanes being used as guided missiles full of fuel. None of us will ever forget that morning. More than 3,000 innocent Americans were murdered. Shortly after that period, we heard people boast about orchestrating the murder of those innocent Americans. Osama bin Laden, Mr. al-Zawahiri, his chief lieutenant, and al-Qaeda have boasted about orchestrating the attacks against our country that murdered innocent Americans.

The legislation before the Senate deals with the 9/11 Commission Report. That Commission did an extraordinary job. I appreciate Senator REID bringing this to the floor and the work that has been done by the committees. These are recommendations which are long overdue. They should have been dealt with previously by the Congress, but they have not been.

Now we have legislation on the Senate floor, recommendations on how to provide for this country's protection, how to provide security, how to prevent another attack by al-Qaeda or other terrorist organizations. It is very important legislation. We do need to protect our country from attacks. But there is something else that is long overdue; that is, we have taken our eye off the greatest threat. That is not me saying so. Let me tell my colleagues what the greatest threat to our country is. This is testimony on January 11, a month and a half or so ago, before the Senate Select Committee on Intelligence by Mr. Negroponte, who was a top intelligence chief.

Here is what he said:

Al Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa and Europe.

Mr. Negroponte continued by saying:

Al Qaeda is the terrorist organizations that poses the greatest threat to US interests, including to the Homeland.

That is from the top intelligence expert in our Government. He says the terrorist organization that poses the greatest threat to U.S. interests is al-Qaeda; the greatest threat to our homeland is from al-Qaeda. He says they are in a secure hideout in Pakistan.

Tuesday of this week, the new Director of Intelligence, Mike McConnell, said almost exactly the same thing.

We also read in the New York Times a week or so ago the following:

Senior leaders of Al Qaeda operating from Pakistan over the past year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.

American officials said there was mounting evidence that Osama bin Laden and his deputy, Ayman al-Zawahri, have been steadily building an operations hub in the mountainous Pakistani tribal area of North Waziristan.

Now, let me go back to 4 days after 9/11. President Bush said the following in an address to a joint session of Congress. I was sitting near the front row. The President said:

We will not only deal with those who dare attack America. We will deal with those who harbor them and feed them and house them.

In his State of the Union Address several months later, he said:

As part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

So the head of our intelligence services, the Directors of Intelligence, know that the leadership of al-Qaeda,

including Osama bin Laden—or ''Osama bin Forgotten,'' as some have suggested in recent years—are in a secure hideaway in Pakistan. At the same time, we have 21,000 troops sent on a surge elsewhere. And so I ask: Why are we not making a greater effort to capture the leadership of the biggest terrorist threat to this country, as described by the Directors of Intelligence, past and current? Are they being harbored?

We read that there has been an agreement of sorts between the Government of Pakistan and al-Qaeda and those who harbor al-Qaeda in Pakistan. We know there are training organizations now. We see the examples of them in the film and video on our television sets, more sophisticated attacks, additional techniques about terrorist attacks.

So we offer an amendment that is very simple. It is an amendment that says: We want every 6 months from this administration a classified report to the Congress that tells us several things: First, where is the al-Qaeda leadership? If they know they are in Pakistan, reaffirm that. If they are not in Pakistan, tell us where they are, each country, and whether those countries are harboring these terrorists.

Second, we deserve to know whether these countries in which these terrorists reside are helping us. Are they helping us bring to justice and capture the leadership of the greatest terrorist threat to our country? We deserve to know that.

And third, if Osama bin Laden and the other top leaders are still at large, we need a report describing what resources are needed to hunt them down and finally capture them.

I don't understand at all why year after year passes and those who directed the attacks against this country that killed thousands of innocent Americans are not brought to justice.

It is perfectly appropriate—in fact, it is essential—that we bring to the floor of the Senate a 9/11 Commission bill that helps protect this country. I commend the managers of the bill for it. I want to be out here helping pass this legislation. But that is one part of providing security.

Another part of providing security is to apprehend those who perpetrated the most aggressive attacks ever launched against this country. Apparently, based on the testimony of the heads of intelligence on two occasions in the last month, we know where they are. Yet they remain at large.

I asked a question the other day of the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff when they testified. I asked the question: If we know where the leadership of al-Qaeda is and if this is the greatest threat to our country's security and our homeland, then why on Earth, if we have soldiers to surge, are we not trying to apprehend and bring to justice the leadership of al-Qaeda to destroy the leadership? I was told: Well, we can't just invade some other country to go find them.

I thought we were getting cooperation from this other country. If they are in Pakistan, are the Pakistanis cooperating with us? If not, are they harboring al-Qaeda? If they are not harboring them, then how about allowing us to work with them to bring to justice the leadership of the organization that poses the most significant terrorist threat to this country? When will that happen?

There are some who have said Osama bin Laden and the leadership of al-Qaeda do not matter. They are dead wrong. I think the intelligence community knows that. The question is, When will this country, with its capability, decide to eliminate the greatest terrorist threat to America?

Let me again quote what Mr. Negroponte said on January 11 of this year:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland.

How long will it be before this Congress can expect the same aggressive activity against the leadership of al-Qaeda as President Bush decided to take against Saddam Hussein? Saddam Hussein has been executed. He is gone. We understand this was a brutal dictator. We have unearthed mass graves with apparently somewhere near 400,000 skeletons of human beings murdered by that dictator. But he is executed; he is gone. Iraq has its own Constitution. They have their own Government. The question is, Do they have the will to provide for their security? That is another issue, and an important one.

We have American soldiers in harm's way in the middle of sectarian violence, in the middle of what clearly is now a civil war in Iraq. But when we talk about committing America's soldiers for this country's security, when will this President and this Congress decide to confront the greatest terrorist threat to our country and to our homeland—the leadership of al-Qaeda in a secure hideaway in Pakistan? Four days after 9/11, our President said that those who harbor terrorists are just like the terrorists. So let's decide to ask those in whose countries terrorists now reside to work with us to bring them to justice, to capture them, and to eliminate the leadership of the greatest terrorist threat to this country.

My colleague, Senator CONRAD, and I have offered an amendment. We will hope it will be given a vote next week. It ought not be a controversial amendment for anybody in this Chamber. It is a deep reservoir of common sense, for a change, for us to do what we ought to do, and protect this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the Improving America's Security Act.

The 9/11 Commission released its report in July 2004. But more than 2 years have now passed, and many of its recommendations still haven't been implemented. The Nation remains seriously unprepared for another terrorist strike.

I commend Senator REID for making these recommendations a top priority. Democrats are committed to implementing the Commission's recommendations and we intend to honor that commitment.

The Commission urged Congress to prevent further attacks by stopping terrorists before they reach our shores. This bill includes practical steps using technology and diplomacy to keep terrorists out of the country. It provides greater security for the visa waiver program, by authorizing the Department of Homeland Security to establish a simplified online electronic visa application to visitors before they enter the United States. It also improves the reporting of lost and stolen passports and the exchange of information about prospective visitors who may be a security threat. The visa waiver program is worthwhile, but we need to make it as secure as possible.

I commend the committee for including in the bill an amendment granting collective bargaining and appeal rights to Transportation Security Administration officers. These men and women are on the frontlines of our effort to keep America safe. But for years, they have been treated as second-class citizens, lacking basic workplace rights. The agency has higher injury and attrition rates than any other Federal agency. It is vital to our national security to minimize turnover in this important profession and give these workers a voice on the job to speak out on safety issues without fear of reprisal or retaliation. Granting them these fundamental rights will stabilize this essential workforce, increase its morale, and improve our national security.

In addition, the bill establishes a dedicated funding stream to promote communications interoperability. This was one of the hard lessons we learned on 9/11 and also during Katrina. The lack of funding for interoperable communications is one of the highest concerns I hear from first responders in Massachusetts. They shouldn't have to rely on uncertain funding from the overburdened and underfunded FIRE grants program to achieve such communications. The committee correctly recognized that this is a national goal and it has proposed a $3.3 billion grant program over 5 years to achieve it.

This bill makes real progress in another key area that the Commission identified for improvement: intelligence sharing at all levels of Government, in order to disrupt terrorist networks before their plan is carried out. Information sharing is vital so that analysts have all available information to ''connect the dots'' before an attack is launched. The bill orders a homeland security advisory system to alert State and local governments about threats, and authorizes a training program for State and local law enforcement in

handling intelligence. It also establishes homeland security fusion centers to bring Federal, State and local antiterrorism efforts under the same roof and promote further information sharing.

The bill makes progress in other areas identified by the 9/11 Commission as needing improvement. It provides support to State and local governments to establish incident command stations to coordinate response efforts during a terrorist attack or other disasters. It calls for a national strategy for transportation security to provide transit system operators with guidance to protect passengers and infrastructure. It calls on the Department of Homeland Security to make annual risk assessments of critical infrastructure, and to make recommendations for hardening those targets and putting other countermeasures in place.

The bill also strengthens the Privacy and Civil Liberties Board in significant ways. It requires Senate confirmation of all of its members and ensures that no more than three members will be of the same party. Importantly, it requires that the Board expand its public activities, which will allow for greater accountability. It also gives the Board authority to request that the Attorney General issue a subpoena and requires that the Attorney General notify Congress if he does not do so. Finally, it includes a $30 million authorization over the next 4 years to ensure that it has the resources to carry out its important responsibilities.

In some areas, the bill could be improved. The 9/11 Commission recommended that homeland security funds be allocated strictly on the basis of risk. While all States may bear some degree of risk, our experience on 9/11 suggests that terrorists are most likely to target areas that will produce the greatest loss of life or property or national symbols. The bill improves on current law in allocating resources under the largest of the homeland security grant programs—-the State homeland security grants. Currently, each State is guaranteed at least three-quarters of 1 percent of the total appropriated for the program. That may seem like a relatively modest amount, but when you multiply it 50 times, it represents nearly 40 percent of the total appropriation. The bill lowers the minimum guarantee to 0.45 percent, allowing more of the overall sum to be allocated based purely on actual risk. The House bill lowers that amount even further to one-quarter of 1 percent. The issue is how best to allocate these limited resources, and I believe the House funding formula more faithfully reflects the 9/11 Commission's recommendation and is the wisest use of limited resources.

On the bill's proposal for a National Bioterrorism Integration Center, I agree that the Nation must be able to rapidly identify and localize biological threats, but I am concerned that this new system will duplicate existing disease monitoring systems. I appreciate the chairman's willingness to work out ways to minimize duplication and allow a flow of information between the new system proposed in the bill and existing disease monitoring systems.

One issue not addressed in this legislation is the health needs of first responders, volunteers, and residents of New York City harmed by the 9/11 terrorist attacks. On that day, valiant police officers, firefighters and health care workers rushed to the site, and many lost their lives. Many others today are sick, and growing sicker, because of their heroism. Tens of thousands of others who worked to clean up and rebuild downtown Manhattan were also exposed to a toxic mix of dust and chemicals whose effects are just beginning to be understood. This is an issue we will be taking up in the coming weeks in the HELP Committee, with the leadership of Senator CLINTON, and I hope we can work together to enact legislation to help these brave men and women and their families as soon as possible.

Again, I commend the committee for proposing this needed bipartisan bill.

We also owe an immense debt to the members of the 9/11 Commission, especially Chairman Tom Kean and Vice Chairman Lee Hamilton, for never relenting in their mission to see that their recommendations are implemented to protect the Nation from future terrorist attacks. I have no doubt that their persistence is in no small part the reason this bill is being acted on today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Ms. COLLINS. Mr. President, for the information of our colleagues, I know the distinguished assistant leader is going to be making comments shortly about the schedule tomorrow, but it appears there may be two rollcall votes. It is still being negotiated as to exactly what they are going to be on. It looks as if they may be on amendments offered by Senators SALAZAR and SUNUNU.

I want, for the record, to state those amendments are acceptable on this side of the aisle. I was prepared to accept them without the need for a rollcall vote, but at this point it is my understanding that rollcalls are likely for tomorrow. I am sure we will hear shortly from the leaders on that.

Mr. President, I thank my colleague for allowing me to precede him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I will speak to the schedule and adjournment in just a moment, but before that I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I come again to the floor this evening to speak about Darfur in Sudan. Most Americans are now familiar with what is going on in this remote part of our world.

Hundreds of thousands of people have died. Two million have been forced to flee their homes and still cannot return. Humanitarian workers have been raped, beaten, arrested, and killed.

This is genocide. That is a word we should use with the utmost caution. If we misuse the term, we diminish it; we dilute its power. But if we fail to use the word or if we use it and fail to act, then that is even worse.

The entire world has allowed Darfur to happen. Now it is up to every one of us to stop it. Those of us who have the privilege of being elected to office have a higher responsibility than most. We sought out these positions, and we must assume the duties that come with them.

There are few duties more fundamental than the obligation to save innocent men, women, and children from slaughter.

This week, Luis Moren-Ocampo, the International Criminal Court's prosecutor, presented evidence on the mass murder in Darfur to the judges of the International Criminal Court. This evidence focuses on two individuals as helping to lead and coordinate this campaign of violence.

The first individual named by Mr. Ocampo is Ahmad Muhammad Harun, former state minister of the interior, and now a state minister for humanitarian affairs for the Government of Sudan. State minister for humanitarian affairs—it is hard to even speak those words.

From 2003 to 2005, Harun was responsible for the ''Darfur security desk'' in the Sudanese Government. His most important task was the recruitment of janjaweed militias. He recruited them, as Prosecutor Ocampo points out, with the full knowledge that the janjaweed militia members he was recruiting ''would commit crimes against humanity and war crimes against the civilian population of Darfur.''

That was, in fact, the point of his recruitment effort.

The second individual named in the prosecutor's presentation of evidence to the court is Ali Abd-al-Rahman, also known as Ali Kushayb.

Ali Kushayb is a janjaweed commander who personally led attacks on villagers, just as the Sudanese Government intended.

This was part of a coordinated strategy of the Sudanese Government to achieve victory over rebels not by confronting the rebels but by attacking

the civilian populations around them, by destroying entire villages and driving out or killing every inhabitant.

Let me read a short section of Mr. Ocampo's document to illustrate the crimes these two men helped coordinate and lead. It is graphic and horrifying. This is what they wrote:

During the attack on [the village of] Bindisi on or about 15 August 2003, Ali Kushayb was present wearing military uniform and he was issuing orders to the Militia/Janjaweed. Ground forces were shooting at civilians and burning huts. The attacking forces pillaged and burned dwellings, properties and shops. The attack on Bindisi lasted for approximately five days and resulted in the destruction of most of the town and the death of more than 100 civilians, including 30 children.

In Arawala, in December 2003, Ali Kushayb personally inspected a group of naked women before they were raped by men under his command. A witness said she and the other women were tied to trees with their legs apart and continually raped.

In or around March 2004, Ali Kushayb personally participated in the execution of at least 32 men from Mukjar. The evidence shows Ali Kushayb standing near the entrance of the prison and hitting these men as they filed past and into Land Cruisers. The vehicles left with Ali Kushayb in one of them. About fifteen minutes later, gunshots were heard and the next day 32 dead bodies were found in the bushes.

The Application [which is the term for Ocampo's presentation of evidence] alleges that Ahmad Harun and Ali Kushayb bear criminal responsibility in relation to 51 counts of war crimes and crimes against humanity including: rape; murder; persecution; torture; forcible transfer; destruction of property; pillaging; inhumane acts; outrage upon personal dignity; attacks against the civilian population; and unlawful imprisonment or severe deprivation of liberty.

Many can ask, why, when hundreds of thousands of people have died and millions have suffered, why just single out these two men? What does this presentation of evidence to a court sitting in the Hague in Europe accomplish? Why single them out? Because that is where you start and because this submission by the prosecutor illustrates a direct chain of command from the janjaweed, who rode into the villages on horseback to rape, murder, and plunder, to the official government in Khartoum that orchestrated these atrocities.

It is an act of accountability, when up to now there has been none. But it is not enough.

The International Criminal Court has issued summonses for the two men named by Mr. Ocampo. If they do not appear, it must issue arrest warrants. If the Sudanese Government does not turn them over, then the United Nations Security Council must act.

But this is about far more than two individuals. It is time for the United States of America to lead. Here in Congress, we have been told that progress is being made. I do not see it at all. We have been told that we cannot push harder at the United Nations because the Chinese may veto any resolution we put forward.

I have a simple proposition. Let's put this matter before the U.N. Security Council. Let's let the American representative—our Ambassador—to the United Nations vote in accordance with our finding that a genocide is taking place. Let's let every civilized nation in the world know where we stand. And let's ask them on the record where they stand.

If any country—China or any other—wants to step up and say we should take no action to stop this genocide, so be it. Let the record of history show where they stand as this genocide unfolds.

Congress has passed many bills giving the administration additional sanctions they can presently use as tools by the United States to stop this genocide.

On two different occasions, I have spoken directly and personally with the President about Darfur. I feel very intensely about it. I have said on the floor before—and I think it bears repeating—as a student in this city at Georgetown University, I had a famous professor named Jan Karski. He was in the Polish Underground during World War II and came to the United States to try to alert them to the evidence that he had accumulated about the Holocaust that was taking place. He was a man who spoke broken English, but he was on a mission, looking for anyone who would listen to him, praying that the United States, that he heard so much about, would step forward and do something to stop this Holocaust. He met with a few individuals. He did not get to the highest levels of our Government and left in frustration, having accomplished very little.

Some 25 or 30 years later, Dr. Karski was a professor at my university. I remember when he told that story, I thought to myself: How could this happen? How could 6 million people die and no one do anything about it? He tried. At least he tried. But what about everyone else? I did not understand it. But now I do. I do because I have watched what has happened in Darfur since the genocide was declared. The honest answer is: Almost nothing. And the honest answer is: The United States of America has done almost nothing.

I have asked the President directly, I have spoken to Secretary of State Condoleezza Rice, and I have spoken to all who will listen, begging them to do something, something to respond to this declared genocide.

Special Envoy Andrew Natsios said that come January 1, the United States would exercise sanctions if Sudan did not agree to a joint African Union-United Nations peacekeeping mission.

Well, January 1 came and went and no mission was allowed. There is no joint peacekeeping mission in the Sudan today, and it is March 1.

I believe we should use every economic and diplomatic tool at our disposal. We should implement additional sanctions immediately. But, more importantly, we must convince other countries and the United Nations to do the same. And it starts with us personally, divesting ourselves of those businesses that are doing business in Sudan.

I made this speech and put out a press release a month or two ago, and some enterprising reporter went through the 5 or 10 mutual funds my wife and I owned and spotted one that had an investment in PetroChina. PetroChina is the Chinese oil company in the Sudan. He identified that mutual fund, and I sold it immediately. I was not embarrassed because you cannot really keep up with a mutual fund and everything they own. But I knew I had an obligation to do something once I was advised. It wasn't that difficult for my family. Certainly it didn't damage my portfolio, as modest as it may be. But I ask everyone, if you seriously believe that the genocide in Darfur must end, start by seeing what you can do personally. Every American should ask if their investments are going to support the Government of Sudan. Every mutual fund director should ask the same thing. I have written to every college and university in my State asking them to divest of investments in Sudan until the genocide in Darfur ends. Unilateral sanctions by the United States are important, but multilateral sanctions imposed by the United Nations can make a difference. Genocide occurs because the world allows it to occur. It is time to prove that the 21st century will be different.

Mr. President, just a few days ago—in fact, just yesterday—in the Washington Post, a woman who is well known to many, Angelina Jolie, published an article about the situation in Darfur. It is entitled ''Justice for Darfur.'' Ms. Jolie, who is well known to all of us, is a comely actress whom I had a chance to meet a year or two ago when she came to town in her capacity as goodwill ambassador for the United Nations High Commission for Refugees. She has certainly proven her skill as an actor, and I think she has demonstrated that her caring for people around the world is genuine. The article she wrote in the Washington Post is one that, at the end of my statement, I will ask to have printed in the RECORD so that it is an official part of our Senate proceedings. She is in Bahai, Chad. She says in this article ''Justice for Darfur'' the following:

Sticking to this side of the Sudanese border is supposed to keep me safe.

Ms. Jolie writes:

By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit in 2004. The death toll has passed 200,000; in 4 years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

She talks about accountability. In this article, she says:

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting

with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court, has said that genocide is not a crime of passion, it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

Mr. President, she concludes by saying:

In my 5 years with the United Nations High Commission for Refugees, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Washingtonpost.com, Feb. 28, 2007]

JUSTICE FOR DARFUR

(By Angelina Jolie)

BAHAI, CHAD.—Here, at this refugee camp on the border of Sudan, nothing separates us from Darfur but a small stretch of desert and a line on a map. All the same, it's a line I can't cross. As a representative of the United Nations High Commissioner for Refugees, I have traveled into Darfur before, and I had hoped to return. But the UNHCR has told me that this camp, Oure Cassoni, is as close as I can get.

Sticking to this side of the Sudanese border is supposed to keep me safe. By every measure—killings, rapes, the burning and looting of villages—the violence in Darfur has increased since my last visit, in 2004. The death toll has passed 200,000; in four years of fighting, Janjaweed militia members have driven 2.5 million people from their homes, including the 26,000 refugees crowded into Oure Cassoni.

Attacks on aid workers are rising, another reason I was told to stay out of Darfur. By drawing attention to their heroic work—their efforts to keep refugees alive, to keep camps like this one from being consumed by chaos and fear—I would put them at greater risk.

I've seen how aid workers and nongovernmental organizations make a difference to people struggling for survival. I can see on workers' faces the toll their efforts have taken. Sitting among them, I'm amazed by their bravery and resilience. But humanitarian relief alone will never be enough.

Until the killers and their sponsors are prosecuted and punished, violence will continue on a massive scale. Ending it may well require military action. But accountability can also come from international tribunals, measuring the perpetrators against international standards of justice.

Accountability is a powerful force. It has the potential to change behavior—to check aggression by those who are used to acting with impunity. Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), has said that genocide is not a crime of passion; it is a calculated offense. He's right. When crimes against humanity are punished consistently and severely, the killers' calculus will change.

On Monday I asked a group of refugees about their needs. Better tents, said one; better access to medical facilities, said another. Then a teenage boy raised his hand and said, with powerful simplicity, ''Nous voulons une épreuve.'' We want a trial. He is why I am encouraged by the ICC's announcement yesterday that it will prosecute a former Sudanese minister of state and a Janjaweed leader on charges of crimes against humanity.

Some critics of the ICC have said indictments could make the situation worse. The threat of prosecution gives the accused a reason to keep fighting, they argue. Sudanese officials have echoed this argument, saying that the ICC's involvement, and the implication of their own eventual prosecution, is why they have refused to allow U.N. peacekeepers into Darfur.

It is not clear, though, why we should take Khartoum at its word. And the notion that the threat of ICC indictments has somehow exacerbated the problem doesn't make sense, given the history of the conflict. Khartoum's claims aside, would we in America ever accept the logic that we shouldn't prosecute murderers because the threat of prosecution might provoke them to continue killing?

When I was in Chad in June 2004, refugees told me about systematic attacks on their villages. It was estimated then that more than 1,000 people were dying each week.

In October 2004 I visited West Darfur, where I heard horrific stories, including accounts of gang-rapes of mothers and their children. By that time, the UNHCR estimated, 1.6 million people had been displaced in the three provinces of Darfur and 200,000 others had fled to Chad.

It wasn't until June 2005 that the ICC began to investigate. By then the campaign of violence was well underway.

As the prosecutions unfold, I hope the international community will intervene, right away, to protect the people of Darfur and prevent further violence. The refugees don't need more resolutions or statements of concern. They need follow-through on past promises of action.

There has been a groundswell of public support for action. People may disagree on how to intervene—airstrikes, sending troops, sanctions, divestment—but we all should agree that the slaughter must be stopped and the perpetrators brought to justice.

In my five years with UNHCR, I have visited more than 20 refugee camps in Sierra Leone, Congo, Kosovo and elsewhere. I have met families uprooted by conflict and lobbied governments to help them. Years later, I have found myself at the same camps, hearing the same stories and seeing the same lack of clean water, medicine, security and hope.

It has become clear to me that there will be no enduring peace without justice. History shows that there will be another Darfur, another exodus, in a vicious cycle of bloodshed and retribution. But an international court finally exists. It will be as strong as the support we give it. This might be the moment we stop the cycle of violence and end our tolerance for crimes against humanity.

What the worst people in the world fear most is justice. That's what we should deliver.

Mr. DURBIN. Mr. President, I conclude by saying that the subcommittee which I chair of the Judiciary Committee, the Human Rights Subcommittee, had a hearing several weeks ago on genocide in Darfur. We are preparing legislation as a result of that hearing to authorize State and local governments and others to divest of investments in Sudan and businesses that are doing business in Sudan and furthermore to extend the authority of the U.S. Department of Justice to prosecute those whom we find guilty of genocide in foreign lands. That authority currently exists for those whom we accuse and wish to prosecute for torture; the same thing should apply to crimes of genocide.

Those two legislative changes may help, but in the meantime it is time for our Government to help. I commended the Bush administration 4 years ago when they finally used the word ''genocide'' as it related to Darfur. I thanked then-Secretary of State Colin Powell for his courage in using that word. I said the same to Secretary of State Condoleezza Rice. But, having said that, we must understand that if we use the word and fail to act, what does it say of us? If we acknowledge that a genocide is taking place and do nothing, what does it say of America?

We have the power to do things, to change this. It will take political courage, not only in the White House but here in Congress. History will write in years to come whether we acted or not, as it is written about the lack of response to the Holocaust. I sincerely hope history will judge us late to the cause but rising with a sense of justice that is necessary to end this terrible killing.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ARCHIE GALLOWAY

Mr. SESSIONS. Madam President, I would like to take a personal moment to express my deepest gratitude and bid farewell to my senior defense policy analyst, Archie Galloway.

For the past 10 years, Archie has dedicated his time, energy and skill to assisting me but more importantly to assisting America and the citizens of Alabama. He has been a friend and an asset to the Senate Armed Services Committee, and his performance stands as a tribute to the professionalism of our military community. Archie leaves us to join the private sector, but our Nation will continue to benefit from his many contributions for many years.

I congratulate Arch on his bright future but with a heavy heart. His experience as a battle-tested Army officer, Ranger, and 101st Airborne Screaming

Eagle, combined with his in-depth knowledge of the workings of Capitol Hill, cannot be matched. Upon joining my team, he quickly became a pillar in my office. His undeniable work ethic and his unwavering dedication to our country and to my State of Alabama were a great example to his fellow staffers.

As my senior defense policy analyst, I have relied on Archie's experience and sound judgment. In the last 10 years, he has been instrumental in the passage of key legislation, such as the HEROES Act that Senator LIEBERMAN and I cosponsored—I believe the Senator was here a moment ago—that doubled the death benefits provided to the families of those who lost a servicemember in combat. Alabama's success in the recent Base Realignment and Closure round reflected so much of his hard work. The footprints of his dedication to the needs of this Nation and to the State of Alabama are deep and permanent as he moves on to his next journey in life.

I would be remiss if I did not mention the other half of the Galloway team. Archie's wife Carol is a tremendous contributor to his success. We will always be impressed by the strength of their partnership and the heart and soul they put into everything they do together.

On behalf of myself, my staff, and the people of Alabama, the military community, the Senate Armed Services Committee, and the entire country, may I say thank you to Colonel Archie Galloway.

During these 10 years, Archie has won the admiration and respect of everyone he has worked with. Many have sent their regards, so I thought I would quote a few.

Charlie Able, former Under Secretary of Defense for Personnel and Readiness and the former Armed Services Committee staff director had this to say:

Archie is a professional soldier and a dedicated Senate staffer who cares deeply about soldiers and their families. It's equally important to recognize his wife Carol for her dedication and service. This partnership is truly their best asset.

Les Brownlee, the former Senate Armed Services Committee staff director and Under Secretary of the Army had this to say:

Archie wore the uniform of a soldier and brought all of that wonderful experience to the U.S. Senate, where it has been invaluable to Senator Sessions, the Army, and the Nation.

Here are the words of General Cody, Vice Chief of Staff of the United States Army:

Archie Galloway is a patriot in every sense of the word. His commitment to this Nation and the Army has not faltered through 40 years of service. In and out of uniform, Archie has dedicated his life to taking care of the soldiers that defend our freedoms. Although Arch will be missed, he can take great pride in knowing the indelible impact he has made will continue to save lives, strengthen our national security, and protect the liberties from which we all benefit. Thank you for your service Arch, Army Strong!

Dick Walsh, senior member of the Armed Services Committee, writes on behalf of the Armed Services Committee and their team:

There aren't many people working on Capitol Hill these days who have served in the Armed Forces, and among those, there are even fewer who—like Arch Galloway—served over 20 years on active duty, commanded troops, and achieved the rank of Colonel in the United States Army. We have been fortunate to have Arch working issues in support of Senator Sessions on behalf of soldiers, sailors, airmen, and marines and working for the people of our country. Whether he learned it from his parents or whether he learned it in the Army, Archie brought the qualities of common sense, good judgment, commitment to duty, honor, and country, wisdom and an inherent understanding of how to get things done the right way in the U.S. Senate. Archie helped us all see each day that the Army is an institution we all have to listen to, support, and advocate for. Any outfit that keeps someone like Arch for a career and then hands him off to more public service is doing something right. No one was able to send a message of appreciation and thanks for support and a job well done with a plate of delicious cookies better than Archie Galloway, and we thank Carol Galloway for her contributions as Archie's G4 to committee morale. Archie like few others understands the ''force multiplier'' effect of baked goods. All part of being a great leader. The staff of the Senate Armed Services Committee relies greatly on the military legislative assistants who work for our Senators and those who have the kind of experience and qualities that Arch possesses represent a tremendous resource. They are full partners with the committee staff. We are sad to see Archie leave, and he will be missed, but we are very grateful for his friendship and service.

Rob Soofer, the chief staffer for the minority side on the Strategic Forces Subcommittee says:

Most legislative assistants view their primary responsibility as supporting the Senator's interests in the State. While Archie was indeed a forceful advocate for defense interests in Alabama, he never lost sight of the broader national security interests and the role Senator Sessions played as chairman of the Strategic Forces Subcommittee. As the liaison between the committee staff and the Senator, he made sure the Senator was prepared to chair subcommittee hearings and address critical strategic force issues during the preparation and passage of the National Defense Authorization Act.

John Little, now the chief of staff for Senator MARTINEZ, a former staffer in my office, said this:

I cannot say enough about Archie Galloway. It was my honor to work with him for 8 years. I have never worked with someone who is more honest, sincere and dedicated. As a native of Alabama, I know how much he has done for my State. America is truly stronger for his service to our Nation. I wish him and Carol much happiness and the best of luck as he embarks on his new professional career. I am very glad that I can call him my friend.

Here are some comments from those with whom he has worked. Rick Dearborn, the Chief of Staff in my office, says:

If James Brown was known as the hardest working man in show business, Arch Galloway should be known as the ''hardest working military legislative assistant on the Hill.'' The focus that Arch has placed on men and women in uniform over 10 years, particularly those who served in the State of Alabama, was a tribute to his country and the man who represents them. I know of no one who has worked harder, put in more hours, more thought and sweat than Archie Galloway on behalf of the men and women in uniform and in the name of national security.

Major Shannon Sentell, former military fellow in my office, back now on active duty, said:

Be it the soldier in the field, the constituent in need of assistance, or the numerous relationships he has on the Hill, Archie Galloway always gave 110 percent in making sure the welfare of those individuals and groups was taken care of. His untiring efforts and tenacious attitude made Arch the ''go-to'' man when a lot of heavy lifting was needed. On a personal note, I refer to him as my colleague, my mentor, but most of all, my friend. Thank you, Arch, for what you do on a daily basis. You have made an incredible difference in so many lives. You will be sorely missed.

Meagan Myers, who now works under Colonel Galloway on my staff, said this:

Though he would never admit it, Arch is my father figure in Washington, D.C. I have truly never learned so much about life from one individual. To call him my mentor would be an understatement at best. Although I will miss Arch in the office, I look forward to his success in the private sector.

Watson Donald, who also worked under Archie Galloway and is now the military legislative assistant for Congressman JO BONNER, said:

Archie Galloway is one of the most dedicated, hard-working, loyal, intelligent people I know. His decade-long service to Alabama has been invaluable and I know our entire congressional delegation will miss his defense-related expertise. Having worked for him personally for 3 years, I am proud to have him not only as a professional mentor, but as a friend.

Leroy Nix, who also worked under Arch and is now in law school said:

I would simply like to express my gratitude to Colonel Galloway for his tireless commitment to excellence and the service of the people of Alabama and this Nation. Having worked with Arch in Senator Sessions' office for the better part of 3 years, I had the luxury of learning from him, not just the finer points of professionalism and personal development, but also those things that I feel will continue to influence the man I am and the man I strive to be. My only hope is that more people, young and old, could have such a fine teacher, mentor, and most importantly, friend.

John Muller, current military fellow and major in the Army says:

Archie is a true patriot and a great mentor. He shows you the way and gives you the freedom to work the issues, but he will not let you fail.

Stephen Boyd—LA, SESSIONS staffer said:

I've had the very good fortune to work about 10 feet from Arch Galloway, day in and day out, for several years now. It's given me a deep respect for all he has done behind the scenes for Senator Sessions and for the State of Alabama. When I came to Washington fresh from law school, I was long on eagerness but short on experience. It didn't take

me long to realize that Arch Galloway, more than any other, knew exactly what he was doing in this town. I decided early on to use Arch's attitude, style, and work ethic as a model for my own, and I think that is one of the best decisions I have ever made. His guidance has never let me down.

Mike Brumas, press secretary, Senator SESSIONS, said:

the use of use of superlatives is all too common these days. But someone trying to describe Arch Galloway's 10-year tenure on Capitol Hill is forced to reach for the highest of accolades—best, brightest, consummate professional, hardest worker. Arch Galloway brought the can-do spirit of a distinguished military career to Senator Sessions's office, and we all benefited by his example. He will be hard to replace and is already missed.

Madam President, I have had the opportunity to travel to Iraq on more than one occasion with Colonel Galloway. He is more than an employee in my office. He is a friend and a partner in service to our country. His career was exceptional in the Army on active duty. His service in my office has been exceptional. No one on the Hill, I think, is more respected than Archie Galloway for his hard work and professionalism. I am going to miss him. Our country is going to miss him.

I don't do this often, but I think on very special occasions, those who serve this Senate exceedingly well deserve a few moments of mention. I think it is true for Archie Galloway. I think all of us appreciate our staff members. So many serve in so many superb ways, but I have to tell my colleagues, this one was special. I am really going to miss him. I wish he and Carol every success. He has been a partner, a friend, and a patriot in his service to America.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I wish to very briefly thank Senator SESSIONS for his tribute to Archie Galloway. I had the privilege to work with Arch and traveled with him at least a couple of times. He is a patriot. He served his country in many different roles, including the last period of time working with Senator SESSIONS, to the benefit of the Senate and his country. I wish him the best in the years ahead, and I look forward to continuing our friendship.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I wish to take a moment, as they are talking about the way to proceed further, to read a letter I have read every year since I have been in the Senate on or around March 2, which is Texas Independence Day. Today is the 171st anniversary of the signing of the Texas Declaration of Independence. This is a document that declares that Texas would be a free and independent republic. This is a tradition that was started by my colleague, Senator John Tower. It is a most historic time for Texas because we celebrate Texas Independence Day every year because we know that fighting for freedom has made a difference in what our State has become. We love our history. We were a republic for 10 years, and then we came into the United States as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle in the Texas Revolution. The sacrifice of Colonel William Barret Travis and his men made possible General Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas. Sam Houston and Thomas Rusk, who was the Secretary of War for the Republic of Texas, were the first two United States Senators to serve from the State of Texas.

I will read the letter that was sent by William Barret Travis from the Alamo, asking for arms.

Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.

Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.

WILLIAM BARRET TRAVIS,
Lt. Col., Commander.

As everyone knows that battle did continue. Colonel Travis did not receive any help, but it was the delay of those brave soldiers, numbering under 200, that allowed Sam Houston to reinforce his own army and take a stand at the battle of San Jacinto that happened April 21 of that year and did, in fact, determine that Texas would become an independent republic.

TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise to discuss the tax relief that was passed by Congress and signed into law by President Bush in 2001 and 2003, and to bring some reality to an upcoming debate this month that involves the budget resolution. Since that tax relief was enacted in 2001 and 2003, and especially since last November, we have heard from the liberal establishment in Washington and elsewhere that this bipartisan tax relief must be ended and that taxes should be increased on millions of Americans of all income levels.

Today, I am going to look at what is driving the tax increase crowd and talk about why they are wrong and why increasing taxes is a bad idea. The liberal establishment uses deficit reduction as a primary excuse for their craving to raise taxes, but before we applaud their efforts to balance the budget, let's think about their solution. When anyone says we need to increase taxes to balance the budget, what they are saying is they are unwilling to cut Government spending. In actuality, the tax increase crowd wants to increase Government spending.

Yesterday, I focused on what extending the bipartisan tax relief package means to nearly every American who pays income tax. So today, as I promised yesterday, I want to examine the tax relief and to look at the impact it has on our economy.

Regardless of whether you look at Federal revenues, employment, household wealth, or market indexes, the impact of tax relief has been overwhelmingly positive. I am going to put a chart up that gives the figures I want you to consider as I go through the points I am making.

The first chart illustrates the growth of revenue with the red line and the growth in GDP with the green line. As we can see, revenues are currently increasing, and are projected to increase in the near future, even before tax relief is scheduled to sunset under current law in the year 2010. Clearly, tax relief has not destroyed the Government's revenue base. I want to point out that this chart shows percentage changes in revenue and percentage changes in GDP. So if the lines are flat in places, it means revenues and GDP are increasing at a constant rate.

The next chart graphs the Standard & Poor's 500 equity price index over a period of several years. So, here again, the lowest point of both the red line, representing the weekly S&P, and the green line, representing an average, seems to correspond closely with May of 2003, which, not coincidentally, is when dividend and capital gains tax cuts were signed into law. Aside from benefiting Americans directly invested in the stock market, this is good news for anyone with a pension who invests in the stock market as well. Of course, that happens to be well over half the people. I think somewhere between 56 and 60 percent of the people, either through pensions or directly investing in the stock market, have money reserves in the stock market. So this is not something that affects 10 or 15 percent of maybe the wealthiest people in the country, as it did 20, 25 years ago; more people are vested in the stock market, mostly through pensions.

According to the Federal Reserve—I have another chart—net wealth of households and nonprofit organizations has increased from a low of around $39 trillion in 2002 to more than $54 trillion in the third quarter of 2006. Since tax relief went into effect, our Nation's households and nonprofit organizations have benefited from more than $15 trillion of new wealth.

This trend is also apparent when we are looking at employment. I show you yet another chart. Total nonfarm employment was calculated to consist of

around 130 million jobs in the summer of 2003 but is projected to be 137 million jobs in January of this year. This shows a 7 million increase in nonfarm employment since the 2003 tax relief bill was signed into law.

I have just described to you four indicators of prosperity. All four of them have increased since bipartisan tax relief was passed by Congress and signed into law. I wish to emphasize that word ''bipartisan'' tax relief legislation of 2001 and 2003. Federal revenues are growing steadily at a rate, then, greater than the gross domestic product. The S&P 500 ended a downward slide and began moving upward around the time of the 2003 tax bill. Also, since the 2003 tax bill became law, household and nonprofit wealth has steadily increased, and literally millions of new jobs have been created. I think it is more than a coincidence that all of these positive economic indicators are correlated with tax relief. I do not think anything short of willful ignorance could lead anyone to say tax relief has been bad for this country.

Now, going back to what I was saying before, the liberal establishment wants to reverse the tax relief that has done all the good things I was just talking about and that we demonstrated by chart, and all in the name of deficit reduction. However, this same crowd has not expressed any interest in reducing the deficit through reduced spending. I believe the reason for this is that this crowd, comprised of lobbyists, the big-city press, and the entrenched Federal bureaucracy, wants to raise taxes—your taxes—to spend your money on growing Government rather than working to trim spending. In fact, the more Government spends, the more power these interests are able to accumulate. The Federal bureaucracy gets to control more money, which will lead to more people hiring high-paid lobbyists to apply pressure to take a bigger piece of the pie the taxpayers are paying for. While these interests have no trouble thinking of themselves, they are not thinking of America's families, America's senior citizens, America's small business owners, and hard-working workers across America. These people may not be able to hire lobbyists or write syndicated columns, but their welfare should be our top priority.

I am going to talk in greater detail about America's families, seniors, small business owners, and workers, but for now, I just want to mention some more about our economy as a whole and how rolling back the 2001 and 2003 tax relief would have dire consequences for our whole economy.

There is an old saying that goes something like this: Figures don't lie, but liars can figure. This saying is especially true in Washington, DC. Any given issue has champions on both sides of the aisle able to generate studies and research that just happens to support their position. I say this because the source for the information I am going to present now is not one of those groups but, rather, the Goldman Sachs Group.

Goldman Sachs is an enormously successful and well-respected financial services firm. I do not think it is possible for any Democratic politician, liberal think-tanker, or liberal journalist to accuse Goldman Sachs of being a tool of my party, the Republican Party. Clinton Treasury Secretary Robert Rubin served as cosenior partner and cochairman, and current New Jersey Governor and former Senator Jon Corzine served as chairman and CEO of Goldman Sachs. Our current Treasury Secretary also enjoyed a prominent career at that firm. So I would recommend that Republicans, but especially Democrats, pay attention when a Goldman economist sends up a red flag.

In a report that is titled ''Fiscal Policy: Marking Time until the Tax Cut Sunsets,'' the U.S. Economic Research Group at Goldman Sachs, in this report, projects a recession—projects a recession—if the 2001 and 2003 tax relief is allowed to sunset. Now, this study actually came out in November of 2006, so I am a little surprised we have not heard more about it.

For this report, Goldman Sachs economists used the Washington University macro model. To give a little background on the Washington model, it is a quarterly econometric system of 611 variables, 442 equations, and 169 exogenous variables. The Washington model was developed and is maintained by Macroeconomic Advisers, Limited Liability Corporation, out of St. Louis, MO. Macroeconomic Advisers is where former Congressional Budget Office Director Douglas Holtz-Eakin serves as a senior adviser. Plus, the firm won the prestigious 2005–2006 National Association for Business Economics Outlook Forecast Award for their accurate GDP and Treasury bill rate forecasts. That ought to give them a great deal of credibility. Now, of course, Macroeconomic Advisers and their Washington model must be accurate enough for people to pay to use it, which is not true for every organization that has been modeling the effects on the economy of letting tax relief expire.

Getting back to the Goldman Sachs study, the authors assumed that Congress would let the 2001 and 2003 tax relief expire, so they reset taxes to their year 2000 levels, grossed them up slightly to match the Congressional Budget Office estimate of the revenue impact of letting the tax cuts expire, and allowed for an appropriate monetary response. For monetary policy, the study's authors assumed that the Federal Reserve would call for interest rate cuts when output falls below its trend and for interest rate increases when inflation rises above its comfort zone.

The study states that:

In the first quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession.

If tax relief is allowed to expire, this study shows that a recession is likely to result. By not extending or making tax relief permanent, Congress will be deliberately inflicting a recession on the American people. Is a lot of hollow, high-sounding rhetoric about balanced budgets worth the job losses or business closures that would result in such a recession?

The study eventually predicts higher output but notes that consumption would be lower.

So that everyone has the opportunity to review this study, I ask unanimous consent, Mr. President, that it be printed in the RECORD, along with one of the very few news stories to note its findings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Economic Analyst, Nov. 10, 2006]

FISCAL POLICY: MARKING TIME UNTIL THE TAX CUT SUNSETS

Near-term changes in US fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while efforts to roll back these cuts before then would surely trigger a veto.

As the tax cut ''sunsets'' approach, the Congress regains power, as legislation will then be needed to extend the cuts. The choice will not be easy given the magnitude of the tax increase—about 1½% of GDP—that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this ''do nothing Congress'' scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth could be revised up to about 2% (annualized), but the fourth-quarter prognosis remains murky. Early reads on retail sales suggesting that October spending was weak, and the factory sector must begin to work off an inventory overhang. The labor market continues to impress, though we expect the jobless rate to begin trending higher soon as the housing correction triggers more job losses.

I. RETURN TO DIVIDED GOVERNMENT

The Democratic Party has regained control of both houses of Congress with a surprisingly strong showing in the mid-term election. Although the new leadership will clash with President Bush on many issues, several areas appear ripe for compromise, including immigration policy, a minimum wage hike, and Iraq policy. Each could have significant impact on the economy.

Third-quarter real GDP growth may have been a bit stronger than first reported, with data in hand suggesting an upward revision to about 2% (annualized). However, the fourth-quarter prognosis is murky, with

early reads on retail sales suggesting that spending was weak in October, and a substantial inventory overhang in the manufacturing sector. The labor market continues to impress, though we expect the unemployment rate to begin trending higher soon as the housing correction triggers more job losses.

Democrats Retake Congress

With surprisingly strong mid-term election gains, the Democratic Party has retaken a majority not only in the House of Representatives, but also in the Senate with a much thinner 51–49 edge (counting two independents who will caucus with the Democrats). This marks the first time that Democrats have controlled both houses of Congress since 1994; the size of the net changes (6 in the Senate, about 30 in the House) approaches those of previous ''landslide'' mid-term elections, especially given the relatively small number of competitive races.

With Democrats setting the agenda, the initial focus of Congress next year is likely to be on the six issues highlighted in the campaign: (1) reinstatement of PAYGO budget rules; (2) repeal of tax preferences for integrated oil companies; (3) reductions in student loan rates; (4) direct negotiation of Medicare prescription drug prices; (5) an increase in the minimum wage, and (6) implementation of the September 11th Commission recommendations.

Although President Bush and the Democratic Congress are likely to clash on many fronts, several major issues with ramification, for the economy appear ripe for compromise:

1. Immigration. Continued large inflows of undocumented immigrants and bipartisan acknowledgement that current policies are insufficient to address the situation have created fertile ground for legislative progress. A potential compromise on immigration policy would likely involve a combination of increased quotas for legal immigration, tougher enforcement of those quotas, and some sort of procedure through which illegal immigrants could eventually apply for US citizenship.

2. Minimum wage. As noted above, Democrats have targeted a significant increase in the national minimum wage, to $7.25 from $5.15 per hour, as part of their initial agenda. A majority in both houses of the current Congress had already supported an increase even before the election, but the deal was never consummated. More than half (26) of the states already have higher minimums, covering a significant portion of the US labor force.

3. Iraq. Iraq policy could see a fundamental shift, with Donald Rumsfeld's departure as Secretary of Defense an indicator of possible changes ahead. The upcoming report by a special commission chaired by former Secretary of State James Baker and former Congressman Lee Hamilton (who also co-chaired the September 11 Commission) could offer both parties political cover for a change of course. This might ultimately reduce the drain on the federal budget from Iraq-related expenditures.

However, compromise is less likely on many other issues. The White House appeared to be considering making entitlement reform its top priority in Bush's last two years in office, but this now seems unlikely given the huge political obstacles and the likelihood that lawmakers' focus will soon turn to the 2008 presidential election. Federal spending is unlikely to be dramatically different, though divided government historically has meant more controlled spending about in line with GDP growth (−0.02 points per year) versus slightly faster (+0.23 points) when government was under control of a single party.

Tax policy seems unlikely to change either. Most important tax cuts don't expire until 2010, and there is little Democrats in Congress can do to alter tax policy, given the likelihood of a Bush veto. In addition, Democrats appear far from unified on repealing many of these tax cuts, and the resulting fiscal tightening would pose temporary downside risks to the economic outlook. There is a small risk that tighter budget rules could force the cost of extending these cuts to be offset by tax increases elsewhere. Most likely, these would come from the closing of corporate ''loopholes'' or other business-related revenue raisers. Relief from the Alternative Minimum Tax (AMT) will be extended, but plans to require the cost of any tax cuts to be offset could put two of the Democrats' priorities in conflict (see this week's center section for a fuller discussion of the fiscal outlook).

More Growth Then, Less Now?

Economic news this week implied that third-quarter growth might turn out to be a bit stronger than initially estimated. In particular, better export performance and lower oil imports resulted in a substantially narrower trade deficit for September—$64.3 billion versus August's downward-revised $69.0 billion shortfall. This, combined with more inventory building than Commerce officials assumed, puts our best guess for third-quarter real GDP growth slightly above 2% (annualized). Upcoming reports on retail sales and inventories could still swing this figure.

However, the market's focus is on the outlook, and here we remain cautious. In theory, the sharp drop in energy prices over the past three months should boost consumer spending in the fourth quarter, but this acceleration has yet to materialize. Early reads on retail sales activity—the official government data are due out Tuesday—suggest that October spending was weak. In fact, we have trimmed 0.2 points from our retail sales estimates, to −0.4% overall and −0.3% excluding autos. Meanwhile, the manufacturing sector will have to begin working off a significant inventory overhang.

The labor market continues to impress. For example, initial jobless claims moved back down near the 300,000 level, implying that last week's rise was a head fake and reinforcing the generally strong tone of the October employment report. Although the labor market is clearly tight at present, we expect job losses—particularly from the housing sector—to begin pushing up the unemployment rate within the next few months.

II. Fiscal Policy: Marking Time Until the Tax Cut Sunsets

Near-term changes in U.S. fiscal policy are unlikely despite the shift in control of the Congress. Key decisions on extending tax cuts are not forced until 2010, after the next election, while any efforts to roll back these cuts before then would surely trigger a presidential veto.

As the tax cut ''sunsets'' approach, the Congress regains power, as legislation will then be needed if the tax cuts are to be extended. The choice will not be easy given the magnitude of the tax increase—about 1½ percent of GDP-that would occur if the tax cuts all expired and its likely impact on near-term growth.

In a simulation exercise, we confirm that this ''do nothing Congress'' scenario would quickly balance the budget but at the cost of a sharp hit to growth in the short term. Farther out, the benefits are higher output and lower inflation and interest rates, at the expense of less consumption—an inevitable price for this decade's tax cuts.

Near-Term Fiscal Policy: No Major Shift

Talk of imminent change in fiscal policy, focused on tax hikes, has surfaced as Democrats have regained control of the Congress. They netted about 30 more seats in the House of Representatives, giving them a comfortable margin. In the Senate, the Democratic margin is much thinner—a 51–49 edge.

However, this shift in control of Congress does not translate into an immediate shift in fiscal policy for four reasons. First, the budget deficit has narrowed sharply over the past two years, as shown in Exhibit 1. This may reduce the sense of urgency in the minds of many lawmakers, and therefore their willingness to strike deals even though the longer-term imbalance remains serious and unresolved. Second, the main components of President Bush's signature tax cuts—enacted with ''sunsets'' to contain their budget impact—do not expire until the end of 2010. Hence, the thorny issue of extending these cuts need not be addressed until after the next Congress (and president) is elected in 2008. Third, any effort to roll back these cuts before their scheduled expiration would almost surely trigger a presidential veto, which the Congress could not override, and it would provide the GOP with an election issue to boot. Therein lies the fourth reason, that the impending 2008 presidential election will limit the time and scope for meaningful progress.

Similar logic applies to the spending side of the ledger, where any efforts to trim outlays for defense or homeland security would be fraught with political risk. Our working assumption is that total spending on national security will not change much, although the composition might shift; for other discretionary spending we expect gridlock between a Democratic majority that would like to restore some programs and a Republican president whose veto pen will suddenly be full of ink. The same probably holds for Democrats' announced intention to push for direct negotiation of Medicare prescription drug prices.

One issue the new congressional leadership will face is how to handle the various tax measures whose renewal has become an annual ritual in recent years. By far the largest of these is the temporary fix of the alternative minimum tax (AMT), without which the number of taxpayers affected by this obscure tax calculation would soar. Although renewing the AMT would boost the deficit by an estimated $65 billion for fiscal year (FY) 2008, it enjoys bipartisan support. This is because many of its unsuspecting victims live in ''blue'' states. Hence, the new Congress will probably find some way to make it happen and pass most of the other ones (another $16 billion) as well. In doing so, the Democrats risk compromising another objective they have championed in recent years, namely to reinstate pay-as-you-go (PAYGO) rules for federal budget legislation. Unlike the administration and the current congressional leadership, who favor PAYGO only for outlays, Democrats have pushed to have these rules apply to taxes as well. Notably, the decision to resurrect PAYGO does not require the president to sign off, as it can be implemented simply as part of the budget resolution. Hence, an early test of the Democrats' resolve to control the budget deficit will be whether they restore PAYGO or something similar and, more critically, whether they adhere to it.

2010: A Year of Wreckoning?

On balance, our expectations for significant change in fiscal policy during the next two years are low. Thereafter, the calculus changes radically as the 2010 sunsets approach. Absent legislative action, the tax

code essentially reverts to its pre-2001 provisions on January 1, 2011. Marginal tax rates on ordinary income rise significantly, dividend income loses its special treatment, the capital gains tax rate goes back to 20 percent, the marriage penalty reappears, the child tax credit drops, and the estate—oops, death—tax springs back to life.

One implication of this situation is that the initiative reverts to Congress, specifically the one to be elected in 2008. It can opt for fiscal balance simply by doing nothing and letting the tax cuts expire, or it can pass legislation to extend any or all of the cuts. Although the president—whoever that may be—obviously still has the right of veto, he/she obviously cannot reject a bill that has not reached his/her desk.

More importantly, the stakes are high, as the sunsets potentially telescope into one year the reversal of tax cuts implemented in various stages between mid–2001 and early 2004. According to Congressional Budget Office (CBO) estimates, tax revenue would rise by $236 billion between FY 2010 and FY 2012 if all of the tax cuts were to expire. Scaled to the estimated size of the economy at that time, this is a fiscal drag of about 1½ percent of GDP.

Even the most die-hard fiscal hawks are apt to think twice about the implications of this for the near-term performance of the economy. After all, a tax increase of this magnitude, imposed all at once, would likely throw the economy into recession. How bad would it be, and what would the benefit be in terms of budget improvement and longer-term economic performance?

Costs and Benefits of Letting Tax Cuts Expire

To provide some perspective on these questions, we simulated the effects of allowing all the tax cuts to expire as scheduled—or, to twist Harry Truman's famous phrase, a ''do nothing Congress'' scenario. Specifically, using the Washington University Macroeconomic Model (WUMM), we reset taxes to their 2000 levels, grossed them up slightly to match CBO's estimate of the revenue impact of letting the tax cuts expire, and allowed for appropriate monetary policy response. On the latter, we assume that the Fed follows a rule calling for rate cuts when output falls below its trend and rate hikes when inflation is above its ''comfort zone.''

Exhibit 2 illustrates the main results of this exercise, showing how key variables would diverge from a status quo forecast in which the tax cuts are extended. The results are as follows:

Reversing the tax cuts quickly closes most, if not all, of the fiscal deficit. The immediate effect is to cut the deficit by about 1½ percent of GDP, as shown in the top panel of Exhibit 2. This is about three-fifths of the shortfall we currently project for FY 2011, based on assumptions we consider realistic. Under the more restrictive assumptions underlying the CBO's baseline projections, the budget comes very close to balance, as indicated in that agency's latest budget update as well as its estimates that extending the tax cuts would boost the deficit by 1.6 percent of GDP relative to its baseline.

More budget progress occurs in the out years. The budget improvement persists and even increases over time without further changes in tax law. This reflects the beneficial effects of a sharp reduction in interest expense, which results both from reduced borrowing and lower interest rates. Five years out, the budget improvement swells to about 2½ percent of GDP, covering about three-quarters of our projected deficit and putting the budget into modest surplus under the CBO assumptions.

The economy suffers a lot of short-term pain. The jump in taxes on January 1, 2011 squeezes disposable income and hence consumption. This feeds through to the rest of the economy, sharply curtailing growth and prompting an aggressive easing in monetary policy. The lower two panels of Exhibit 2 lay out the major elements of the macroeconomic story.

In the fIrst quarter of 2011, real GDP growth drops more than 3 percentage points below what it would otherwise be. Absent a strong tailwind to growth from some other source, this would almost surely mark the onset of a recession. In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points (bp) below the status quo level over the next year and one-half, as shown in the bottom panel of Exhibit 2. Despite this, output growth remains well below trend over that period, putting downward pressure on inflation as slack in the economy increases. Inflation drops by 150 bp during the sag in growth before coming back up as the monetary stimulus pushes output back toward, and eventually above, trend.

In the longer run, economic growth benefits from ''crowding in.'' When the government runs a large deficit, ''crowding out'' occurs in the capital markets: Its borrowing, backed by the power to tax, takes priority over private borrowing and therefore denies some companies the funds they need for investment that is usually more productive than the government's use of the funds. As a result, growth suffers and real interest rates rise.

The opposite occurs in our simulation. Restoring better balance to the government's books reduces the deficit and hence the growth in its debt. This frees funds that now flow to the private sector allowing the capital stock to grow more rapidly and pushing down interest rates. As shown by the gap between the lines in the bottom panel, real interest rates end up substantially lower. This, eventually, raises output by about 1 percent above the level that would have prevailed without the tax increase.

At first glance, this seems like a straightforward case of short term pain (recession) leading to longer term gain (higher output). Unfortunately, this assessment is a bit too optimistic. Although output is higher than it otherwise would be, consumption is lower. Since the 2001 tax cuts helped thrust the budget back into deficit, the federal government has borrowed to fund its spending and, via the tax cuts, some consumer spending as well. A reversion in 2011 to higher taxes simply recognizes that fact and starts paying off the debt. If instead Congress chooses to maintain the cuts, they just push the due date for the 2000s spending bill even further into the future. In that case, the ultimate payment—the drop in consumption—would be even higher.

[From TCSDAILY, Feb. 6, 2007]

HILLARY CLINTON AND RECESSION OF 2011

(By James Pethokoukis)

How predictable. The fiscal 2008 budget that President Bush put forward yesterday gets slammed for being unrealistic—if not downright mendacious. If the $2.9 trillon proposal actually got enacted as written—doubtful given that Bush is dealing with a Democratic-controlled Congress—the plan would theoretically balance the budget by 2012. As Team Bush crunches the numbers, the U.S. government would run a $61 billion surplus in 2012 year after running tiny deficits in 2010 ($94.4 billion, or 0.6 percent of GDP) and 2011 ($53.8 billion, or 0.3 percent of GDP). All that while permanently extending the 2001 and 2003 tax cuts due to expire in 2010.

Of course, journalists and think-tank analysts had barely scanned the budget when critics started pointing out its supposed flaws. Among them: the budget assumes more upbeat economic conditions—and thus more tax revenue—than does the forecast from the Congressional Budget Office. (In 2011 and 2012, the White House forecasts 3.0 percent and 2.9 percent GDP growth vs. 2.7 percent for each of those years by the CBO.) As the liberal Center on Budget and Policy Priorities puts it, ''The budget employs rosy revenue assumptions; it assumes at least $150 billion more in revenue than CBO does for the same policies.''

Indeed, the CBO viewed by the inside-the-Beltway crowd as the impartial umpire of all budget disputes—also predicts a balanced budget by 2012. The catch is that it assumes the Bush tax cuts are repealed leading to a surge of revenue in 2011 and 2012. It forecasts that the budget deficit would drop from $137 billion in 2010 to just $12 billion in 2011. And in 2012, the budget would move into the black with a $170 billion surplus. Yet if the Bush tax cuts are extended, CBO predicts total deficits of $407 billion in 2011 and 2012 and then continuing thereafter.

No wonder Democratic presidential candidates are finding it so easy to pledge or strongly hint that if they are sitting in the White House in 2010, they will veto any effort to extend the tax cuts. One can easily envision President Hillary Rodham Clinton harking back to her husband Bill's 1993 tax hikes and economic success as historical justification for a repeat performance. Deficits are often used as reason for higher taxes, such as in 1993 and 1982. But to believe in higher taxes as sound economic policy in coming years, you also have to believe in the CBO's cheery forecast that hundreds of billion of dollars in new taxes will have little or no effect on economic growth.

Now you don't have to be an acolyte of supply-side guru Arthur Laffer to find that sort of ''static analysis'' a little weird. Most Americans probably would. So, apparently, did the economic team at Goldman Sachs, the old employer of Robet Rubin, President Bill Clinton's second treasury secretary. Thus the firm's econ wonks decided to try and simulate the real world effect of letting the Bush tax cuts expire at the end of 2010. Using the respected Washington University Macro Model, Goldman reset the tax code to its pre-Bush status, assumed all tax cuts expired, and watched how the economy reacted as 2011 began. What did the firm see? Well, in the first quarter of 2011 the economy dropped 3 percentage points below what it would have been otherwise. ''Absent a tailwind to growth from some other source,'' the analysis concludes, ''this would almost surely mark the onset of a recession.''

So actually it's CBO's economic forecast, not Bush's that is overly, optimistic about future economic growth. But wouldn't the Federal Reserve jump in and cut interest rates, offsetting the fiscal drag of the tax hikes with easy monetary policy? The Goldman Sachs experiment assumes it would, but WUMM still shows the economy sinking;

''In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points below the status quo level over the next year and one-half. . . Despite this, output growth remains well

below trend over that period, putting downward pressure on inflation as slack in the economy increases.''

And guess what? A recession would throw CBO's carefully calculated tax revenue assumptions out the window. Indeed, the CBO admits that recessions in 1981, 1990 and 2001, ''resulted in significantly different budgetary outcomes than CBO had projected few months before the downturns started.''

Of course, it's been the history of tax increases that they tend not to bring in as much revenue as originally predicted. President Rodham Clinton or President Obama or President Edwards would likely find the same budgetary disappointment—and then have to explain to an angry American public during the 2012 election season why their president decided to plunge the economy into a recession.

Mr. GRASSLEY. The Goldman Sachs study was clearly not written by cheerleaders for tax relief; indeed, the authors seemed to share the point of view of many in this Chamber that a cut in spending is not an option. The authors regard an eventual drop in consumption as a forgone conclusion of tax relief and equate it with the necessity to pay back what had been borrowed over the previous decade. At the very least, the study says: ''The economy suffers a lot of short-term pain.''

Congress needs to act to extend or make permanent tax relief enacted in 2001 and 2003 or we risk plunging the country into a frivolous recession. I say frivolous because the recession will be the result of vanity on the part of those who use balancing the budget as a cover for tax-and-spend politics.

More cause for concern of the impact of tax increases comes to us from China. I am sure everyone is aware that the Shanghai Composite Index lost 8.8 percent of its value this past Tuesday. According to various news reports, including a dispatch from the Associated Press, a factor in the drop may have been rumors that a capital gains tax on stock investment was in order.

I ask unanimous consent that an ABC NEWS article entitled ''Shanghai Shares Rebound Nearly 4 percent'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHANGHAI SHARES REBOUND NEARLY 4 PERCENT

(By Elaine Kurtenbach)

SHANGHAI, CHINA.—Chinese stocks recovered Wednesday following their worst plunge in a decade as regulators shifted into damage control, denying rumors of plans for a 20 percent capital gains tax on stock investments.

The Shanghai Composite Index gained 3.9 percent to 2,881.07 after opening 1.3 percent lower. On Tuesday, it tumbled 8.8 percent, its largest decline since Feb. 18, 1997.

Bullish comments in the state-controlled media appeared to reassure jittery domestic investors, who account for virtually all trading.

China will focus on ensuring financial stability and security, the official Xinhua News Agency cited Premier Wen Jiabao as saying in an essay due to be published in Thursday's issue of the Communist Party magazine Qiushi.

Markets across Asia were still rattled, with many falling for a second day. Japan's benchmark Nikkei Index sank 2.85 percent, while stocks in the Philippines tumbled 7.9 percent. Malaysian shares fell 3.3 percent, while Hong Kong's market fell 2.5 percent.

On Tuesday, concerns about possible slowdowns in the Chinese and U.S. economies sparked Wall Street's worst drop since the Sept. 11, 2001, terror attacks. The Dow Jones industrial average lost 416 points, or 3.3 percent.

Analysts said they expected China's stock market to stabilize and keep climbing over time although further near-term declines were possible given concerns that prices may have risen too precipitously in recent months.

Tuesday's ''sell-off does not reflect any fundamental change in the outlook for China's economy,'' Yiping Huang and other Citigroup economists said in a report released Wednesday. ''A sharp contraction in excess liquidity that would reinforce damage in the stock market remains unlikely,'' it said.

China's big institutional investors are all state-controlled and would be unlikely to sell so heavily as to completely reverse gains that more than doubled share prices last year. With a key Communist Party congress due in the autumn, the authorities have a huge stake in keeping the markets on an even keel.

''They are acting now to nip a nascent bubble in the bud,'' says Stephen Green, senior economist at Standard Chartered Bank in Shanghai, adding that it's a challenge given generally bullish sentiment and the massive amount of funds available for investment.

''So they have to somehow calibrate the rhetoric and policy actions to keep a lid on this, while not triggering a collapse,'' Green says.

One option is a capital gains tax on stock investments. Rumors that such a tax may be enacted are thought to have been one factor behind Tuesday's sell-off.

But the Shanghai Securities News ran a front-page report denying those rumors. The newspaper, run by the official Xinhua News Agency and often used to convey official announcements, cited unnamed spokesmen for the Ministry of Finance and State Administration of Taxation.

China has refrained from imposing a tax on capital gains from stock investments, largely because until last year the markets were languishing near five-year lows. The Shanghai Securities News report cited officials saying that the government had little need to impose such a measure now, given that tax revenues soared by 22 percent last year.

The exact cause of Tuesday's decline in China was unclear, given the lack of any significant negative economic or corporate news.

Some analysts blamed profit taking following recent gains: the market had hit a fresh record high on Monday, with the Shanghai Composite Index closing above 3,000 for the first time.

Others pointed to comments by former Federal Reserve Chairman Alan Greenspan, who warned in remarks to a conference in Hong Kong that a recession in the U.S. was ''possible'' later this year.

Adding to those factors was a persisting expectation that China might impose further austerity measures, such as an interest rate hike, to cool torrid growth: China's economy grew 10.7 percent last year the fastest rise since 1995 and most forecasts put growth at between 9.5 percent and 10 percent this year.

China's markets took off after a successful round of shareholding reforms helped alleviate worries over a possible flood of state-held shares into the market. Efforts to clean up the brokerage industry and end market abuses also helped.

Their confidence renewed, millions of retail investors began shifting their bank savings into the markets in search of higher returns last year. Strong buying by state-controlled institutional investors and overseas funds also helped.

China still limits foreigners' purchases of the yuan-denominated stocks that make up the biggest share of the markets, though that is gradually changing as regulators allow increasing participation by so-called qualified foreign institutional investors.

Stocks have shown unusual volatility this year, with the Shanghai index notching one-day drops of 4.9 percent and 3.7 percent already this year before recovering to hit new records.

But there are limits to how far shares are allowed to drop in a single trading day: total single-day gains and losses are capped at 10 percent.

Mr. GRASSLEY. The same AP report notes that regulators have already denied those rumors and that the Shanghai Securities News ran a front page report to the same effect yesterday. Incidentally, the Shanghai Composite Index gained 3.9 percent yesterday.

I think the Chinese regulator's swift debunking of rumors that a capital gains tax was going to be enacted shows the negative impact such a tax could have on growing markets and expanding economies.

As I have said before, what is missing from the debate on extending tax cuts and clearly missing from the reasoning of the authors of the Goldman Sachs study is the option, and necessity, of reducing Government spending. The right thing to do is to let Americans keep as much of their own money as we can and not seize it from them to promote special interests, encourage high-priced lobbyists or give free rein to the big city press to tell everyone else what to do.

It is often said by the Democratic leadership that tax cuts are not free. That statement is true. Tax cuts score as revenue losses under our budget rules. What is equally true, if you listen to economists and, more importantly, the American taxpayer, is that tax increases are not free as well. Taxpayers have to write a check to Uncle Sam.

Tax increases change taxpayer behavior. Tax increases will affect work, investment, and other economic activities. From an economic policy standpoint, tax increases, especially those that are used to cover more Government spending, have a policy cost. Tax increases are not free to the taxpayers and are not free to a growing economy.

So I would ask that the Democrat leadership, as they draw up their budget resolution, to hopefully keep this in mind. Tax increases have consequences to the American taxpayer and consequences to the American economy.

U.S. SENTENCING COMMISSION NOMINATIONS

Mr. LEAHY. Mr. President, I thank the majority leader for his help in connection with the confirmation of members to the Sentencing Commission. I

am glad a cloture petition turned out not to be necessitated by anonymous Republican opposition and delay but regret that it has taken so long and so much attention to follow through on this matter.

Last night, the Senate finally considered and confirmed the President's nomination of Beryl Howell to a second term on the U.S. Sentencing Commission. We also proceeded with the confirmation of the nomination of Dabney Friedrich, a former staffer of Senator HATCH and associate White House counsel.

Last month, the President finally sent these nominations to the Senate to fill preexisting vacancies on the U.S. Sentencing Commission. Both these nominees were serving on the Commission, having been recessed appointed by the President in the last month of the 109th Congress. Regrettably the White House had delayed for many months making the nominations last year. Had the President sent the Senate these nominations in a timely fashion, their recess appointments would not have been necessary and we could have confirmed both of these nominees in the last Congress.

The nonpartisan nature of the Sentencing Commission is preserved by making sure its membership is balanced and includes experienced Commissioners who stick to the merits and command the respect of both Congress and the Judiciary. I look forward to the President nominating such a person on the recommendation of the ranking Republican member of the Judiciary Committee so that the final vacancy may be appropriately filled.

Commissioner Howell graduated from Bryn Mawr College and Columbia University School of Law, clerked for Judge Dickinson R. Debevoise on the U.S. District Court for the District of New Jersey. She served with distinction as a Federal prosecutor in the U.S. Attorney's Office in the Eastern District of New York, earning a number of commendations for her work. She later served for almost 10 years as a member of the Senate Judiciary staff. She earned the respect of Senate and House Republicans and Democrats. Besides now serving as a member of the Sentencing Commission, she is also managing director and general counsel of the Washington, DC, office of Stroz Friedberg, LLC, one of the leading cybersecurity and forensic firms in the country.

Commissioner Friedrich assumes her post having served in the White House counsel's office and having previously served on Senator HATCH's Senate Judiciary Committee staff. I believe her husband is a political deputy in the Criminal Division of the Department of Justice. I wish her well in her new position.

The Sentencing Commission has important work to do. Federal judges are still wrestling with the Booker decision, which made the Federal Sentencing Guidelines advisory, rather than mandatory, and the Commission is once again preparing a report to Congress on the unjust disparity of crack versus powder cocaine sentencing.

I congratulate the nominees and their families on their confirmations last night.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 4, 2002, in Cortez, CO, 16-year-old Fred Martinez, described as a transsexual Navajo, was brutally beaten to death by Shaun Murphy. Murphy received a sentence of 40 years for his crime. According to affidavits filed in Montezuma County Court, Murphy bragged to friends in the days after Martinez's slaying that he had ''beat up a fag.''

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEACE CORPS VOLUNTEERS

Mrs. BOXER. Mr. President, early one October morning in 1960, Senator John F. Kennedy stood on the steps of the University of Michigan Union and challenged a group of students to serve their country by living and working abroad. Today I rise to commemorate the service of 187,000 Americans, young and old, who have met that challenge.

From Armenia to Zambia, Peace Corps volunteers have lived and worked in 139 countries around the world for the past 46 years. They act as ambassadors of our goodwill and promote a world of peace and friendship. Historically, more Peace Corps volunteers have come from California than any other State indeed, 25,467 Peace Corps volunteers have hailed from my State. Today, I am proud to represent 768 Peace Corps volunteers currently working abroad.

In their work as teachers, business advisors, information technology consultants, agriculture and environmental specialists, and health educators; Peace Corps volunteers have not only met the needs of the individuals and communities who are their hosts, but also promoted a better understanding of Americans.

After almost five decades, the mission and goals of the Peace Corps are as vital and relevant as they were the day of its establishment. In an age when fear, misunderstanding, and blind prejudice can breed aggression and hate, more than 20 percent of Peace Corps volunteers are working in predominantly Muslim countries.

In the past 10 years, the Peace Corps has expanded to meet new humanitarian challenges, sending Returned Peace Corps Volunteers to serve in the Crisis Corps. These extraordinary men and women have been deployed to tsunami-ravaged regions in Sri Lanka and Thailand, to Guatemala after Hurricane Stan, and 272 Returned Peace Corps Volunteers joined in disaster relief efforts along the gulf coast following Hurricane Katrina.

Finally, I would like to recognize the Returned Peace Corps Volunteers who have been participating in National Peace Corps Week. By sharing their experiences, these Returned Peace Corps Volunteers are fulfilling the third goal of the Peace Corps, to ''strengthen Americans' understanding about the world and its peoples.''

Mr. COLEMAN. Mr. President, it is with great pride that I extend my congratulations to the Peace Corps on the occasion of its 46th anniversary this week. I know that in doing so I join a countless number of past and present Peace Cops volunteers in commemorating the fruitful history of the organization.

Since the establishment of the Peace Corps over four decades ago, its volunteers have served as unofficial U.S. Ambassadors, representing the best of what America has to offer abroad. Their mission could not be more important than it is right now, during a time when our nation is so misunderstood in many parts of the world. With its global presence and tangible impact, the Peace Corps has worked to combat misperceptions about what America stands for and reaffirm American values. I have no doubt that these good deeds on behalf of others have made a tremendously positive impact on the communities in which our Peace Corps volunteers serve.

I am a strong believer in investing in cross-border relationships through programs such as the Peace Corps, which places American volunteers in the heart of communities throughout all corners of the world. Who knows how the interaction and good works completed by Peace Corps volunteers will change the world as a result? Perhaps the example set by a Peace Corps volunteer will correct a distorted perception, or prevent someone from sliding into hatred and extremism. Perhaps an American volunteer will acquire a new understanding of the needs in other parts of the world which will lead to a critical humanitarian intervention. The Peace Corps, through the impact on the community and the volunteer, is a win-win investment in stability.

The Peace Corps has a daily direct impact by meeting the needs of foreign

communities with its volunteers serving as teachers, business advisors, information technology consultants, agriculture workers, and HIV/AIDS educators. Indeed, these services directly contribute to the strategic priorities of our national security, because addressing poverty and public health issues helps promote global stability. As one of many examples, today the Peace Corps volunteers are playing an important role in implementing President Bush's Emergency Plan for AIDS Relief.

In recent years the Peace Corps has increased in size, in response to a growing need for its services. I am happy to see that it has over 7,700 volunteers working in 73 countries, and hope it continues to expand its reach.

I am especially proud of the Minnesota volunteers who are currently serving around the world, of which there are currently over 200. To them, and to the over 5,000 returned Minnesotan volunteers, I want to express my heartfelt thanks, for their great efforts to spread Minnesotan values of dedication, integrity, and hard work to another part of the world. Among these veterans is Mr. Robert Tschetter, the current director of the Peace Corps and one of my constituents. I was honored to help confirm Mr. Tschetter during my tenure as the chairman of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs.

A medieval Spanish Rabbi named Maimomedes said he believed that the world is held in balance between good and evil and a single act of goodness and virtue tips the balance. I believe that the actions made by Peace Corps volunteers all over the world work to tip the balance towards good everyday. It is because of this belief that I have consistently been a strong supporter of the Peace Corps. Again, I would like to express my deepest admiration and best wishes to the Peace Corps leadership and its volunteers. Thank you for making the world a better place.

SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Rules of Procedure of the Select Committee on Intelligence be printed in the RECORD pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under

oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt or that the subpoena be otherwise enforced, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or, in the event of the Committee's termination, the Senate of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered by them, measures referred to the Committee shall be referred by the Chairman and Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

DIGNITY FOR WOUNDED WARRIORS ACT

Ms. SNOWE. Mr. President, I rise today as a proud cosponsor of the Dignity for Wounded Warriors Act. While reading the recent news reports regarding the situation at Walter Reed Army Medical Hospital, I was incensed when I discovered that our brave men and women who have risked their lives in service to our country are currently convalescing under conditions that are nothing less than disgraceful—and, frankly, disrespectful of all who so honorably wear our Nation's uniform. This abomination is a far cry from the timeless words of President Theodore Roosevelt, who once said that ''a man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards.''

I applaud Senators OBAMA and MCCASKILL for swiftly responding to these shameful revelations by introducing this legislation at a time when more than 600,000 courageous service men and women have returned from combat in both Iraq and Afghanistan. In the past, Senator OBAMA and I have worked in a bipartisan manner to bolster the military's ability to detect and treat traumatic brain injury, reduce the claims at the Veterans Benefits Administration, VBA, and most recently, we have fought to improve the ability of the Department of Veterans Affairs to provide Congress with an accurate assessment of returning veterans health care and benefits needs. I also appreciate Senator MCCASKILL's advocacy on this issue, and I look forward to working with her in the future.

During the past few weeks, the Washington Post has reported in scrupulous detail the dire and startling conditions at recuperation facilities used by Walter Reed Army Medical Center—the very facility replete with moldy walls, broken elevators, bug infestation, a lack of support programs, and general disrepair. These confines are not even habitable, not to mention acceptable, in any way, shape or form for the provision of health care to America's finest. Above all, such degrading medical quarters ultimately send the wrong message to our troops who have risked their lives in defense of our country that somehow they are fit and capable enough to serve us but not enough for us to serve them. Although the Walter Reed Army Medical Hospital has remained the preeminent health facility for wounded and recovering service members ever since the admittance of its first patients on May 1, 1909, these recent news reports have uncovered blatant defects in U.S. military health facilities that must be fixed immediately.

In order to ensure that these stalwart Americans receive the treatment they have earned and that is unquestionably well deserved, this legislation will establish stringent standards for military outpatient housing, requiring that concomitant dormitories match the existing services standard for Active-Duty barracks, and mandating that all requests for repairs be completed within 15 days or alternate housing must be offered. Additionally, recent reports have revealed Walter Reed Army Medical Hospital's lack of support counseling to assist troops and their families in times of need. To alleviate these concerns, our legislation will require an emergency medical technician, EMT, and a crisis counselor at all outpatient residences, while creating an inspection team to ensure that high-level military officials are aware of all problems occurring at medical facilities, including those related to personnel and maintenance.

Furthermore, the Dignity for Wounded Warriors Act will help solve recent problems regarding the overwhelming workloads for military caseworkers, which have, unfortunately, left countless service members helpless. This legislation will not only increase the number of caseworkers at military outpatient facilities but will establish an interim ratio of one caseworker and one supervising noncommissioned officer for each 20 recovering service members, while requiring staff training for the identification of mental illness and suicide prevention.

This legislation will also address the processing delays for troops who seek a determination for their military status and disability level, which on average, takes as long as 7 months. This legislation would bring the Physical Disability Evaluation System under one command in order to reduce lengthy bureaucratic delays that have left even the most severely injured service members without a health determination for unnecessary lengths of time.

Family members also carry a large burden for the sacrifices made by their loved ones in uniform. In order to ease the burdens of the health care process for these families, our legislation creates two 24-hour crisis counseling and family assistance hotlines and requires the creation of a single manual for outpatient care procedures, which will allow families to access all of the information they need to help care for their loved one. Sadly, family members are often forced to decide between attending to their loved one or keeping their job—a decision that no family member of our courageous troops should ever have to make. Therefore, this legislation provides Federal protections for the jobs of family members who are caring for a recovering service member, while extending medical care to family members who are living at military treatment facilities.

And finally, one of the underlying concerns of the revelations at Walter Reed Army Medical Hospital was the lack of accountability and oversight at a facility which houses thousands of heroic Americans. This legislation would create a Wounded Warrior Oversight Board appointed by congressional leadership who will supervise the implementation of this legislation's provisions and serve as an advocate for all recovering service members in the future.

The obligation of this country to its veterans is sacred and solemn and one that must be fulfilled every day. We should strive to put into action the words of President Lincoln that we must ''care for him who shall have borne the battle . . .'' Since the attacks of September 11, millions of valorous American men and women have fearlessly and honorably answered the call to service. Congress must now do its duty and everything in its power to vigorously extend the finest medical treatment and care possible to troops upon their return—attention that is worthy of their tremendous and immeasurable contributions to us all.

Once again, I am pleased to join Senators OBAMA and MCCASKILL in introducing the Dignity for Wounded Warriors Act because I believe it is crucial for Congress to provide our Nation's veterans with a guarantee that they will never have to worry about dilapidated living conditions in military hospitals ever again, and I urge my colleagues to voice their support.

TRIBUTE TO DAN CREGER

Mr. THOMAS. Mr. President, I rise today to pay tribute to a hard working, respected young man, Mr. Dan Creger. Dan is from Casper, WY, and has proven that in spite of his disabilities, one man can have a great impact.

Dan was born with arthrogryposis, a condition that causes multiple joint problems and limits the range of motion of a joint. As a result of this disease, Dan has spent most of his life in a wheelchair. Despite his disability, Dan refuses to be held back, relying not on public assistance but rather on his determined spirit and the support of friends and family to achieve his daily successes.

Dan worked for the Bureau of Land Management for 20 years. Recently the BLM honored his service by presenting him with the Honor Award for Superior Service. Casper Field Office Manger, Jim Murkin said, ''Dan is a Go to Guy! He is someone who you can depend on to get a job done. He always wants to stay busy. He hates doing nothing. He is a great asset to the BLM.''

Four years ago Dan began working at the National Historical Interpretive Trails Center in Casper. The director of the center, Jude Carino, says that Dan ''always has a smile. He always has good things to say about people, and he doesn't complain.'' At the center Dan greets visitors, answers questions and leads tours for schools and other organized groups. In 2006 he assisted 8,000 visitors, and guided nearly 2,000 schoolchildren through the facility.

A volunteer for the National Historical Interpretive Trails Center said, ''I have learned a lot from Dan in how to guide guests through the center. He is a wealth of knowledge and has a great sense of humor.''

Dan's life was thrown another curve when last summer he was diagnosed with esophageal cancer. But through it all he continues to have a positive attitude. Dan said that when he was first told about the cancer he felt both sadness and anger, but soon he decided that this was just another challenge for him to deal with. He said, ''I've tried to go on with my life and take it day by day.''

A friend of Mr. Creger summed it up best when he said, ''In my eyes, Dan is a man of courage that stands 6 feet tall. He lives his life as any productive member of society and pushes aside any thought of pity for himself. He doesn't let his physical limits or the threat of cancer keep him from achieving his goals in life. In this way, Dan is better than many men who face lesser challenges in life. I am proud to know Dan and be his friend.''

It is obvious that Dan is a good, hard-working man who refuses to let life's challenges stand in his way. Dan Creger is an inspiration to all of us, and I am honored to share his story.

HONORING EARL B. OLSON

Mr. COLEMAN. Mr. President, we take this floor at different times for different reasons, to debate bills and talk about the condition of our country and its future. At times, we tend to exaggerate the importance of the laws we pass to the progress of our society. I say that because there is no law to make people do the most important things: love their families, sacrifice for their communities, or create a legacy that will last for generations.

Today I rise to honor a great man who did those things and changed life on the Minnesota prairie for thousands of people who maybe never even heard his name. Today I want to pay tribute to the life and legacy of Earl B. Olson, an innovator for Minnesota agriculture, a leader in the Nation's turkey industry, and a man of great faith.

There is a passage in the Book of Isaiah that truly captures his life. In the midst of difficult times for Israel, it talks about a future day of blessing when God will:

. . . bestow on them a crown of beauty instead of ashes, the oil of gladness instead of mourning, and a garment of praise instead of a spirit of despair. They will be called oaks of righteousness, a planting of the LORD for the display of his splendor.

If ever there was an ''oak of righteousness,'' it was Earl Olson, who brought beauty, gladness, and praise to the hearts of many.

Earl Olson founded the Jennie-O Turkey Store in 1949. At that time, the Minnesota turkey industry was a tiny fraction of what it is today. Currently, Jennie-O is the largest turkey company in the United States, with Minnesota leading the Nation in turkey production.

Born on May 8, 1915, Earl was the son of Swedish immigrants. He grew up on a farm outside of Murdock, MN, and attended the West Central School of Agriculture in Morris, MN, graduating in 1932.

Earl's first job, at the age of 17, was at the Murdock Cooperative Creamery. Within 1 year, he became the manager of Swift Falls Creamery.

As the story has been told, one day a woman came into the Swift Falls Creamery to purchase some ice. As Earl was chopping away at a small block of ice, another employee spilled 100 gallons of scalding hot water on him, burning much of his body and sending him to the hospital. Fortunately, the company had health insurance and Earl was compensated with $1,000. With this money, Earl began his empire by purchasing 300 turkeys. After earning a dollar for each turkey, Earl soon began purchasing more. Fifteen years later, Earl found himself selling a half million turkeys annually. By 1970, Jennie-O turkeys were being sold across the entire Nation. Earl B. Olson saw the impossible as an opportunity; he turned a tragedy into a success.

Faith was always a central part in the life of Earl Olson. When Earl was young, he and his family were founding members of the Bethesda Lutheran Church. Earl was later a member of Vinje Lutheran Church and helped lead the church's efforts in building a new facility. Throughout his life, his generosity helped countless troubled youth and prison inmates find their path to a better life. He always found time and resources to help people in their time of need.

Earl undertook many leading roles in the turkey industry. He served as the president of the Minnesota Turkey Growers Association, director of the National Turkey Federation, and director of the National Poultry and Egg Association.

This past spring, I was privileged to have lunch with Earl. Even at the age of 90, I found him sharp and forward-looking. We had an engaging conversation about the future of the Minnesota turkey industry and the health of the Minnesota agricultural economy. It was an inspiration to still see the passion in his heart.

Today, Jennie-O Turkey employs nearly 7,000 people and creates more than 1,500 products. Minnesota has been truly blessed to have a visionary leader like Earl B. Olson live in Minnesota and work to make our State a better place.

America has many assets: abundant natural resources, good systems of health and education, and a great democratic tradition of the rule of law. We can never forget though, that part of our greatness comes from the ''oaks of righteousness'' among us. I am thankful to have known one: Earl B. Olson, who helped make Minnesota great.

ADDITIONAL STATEMENTS

IN MEMORY OF DEANNE STONE

● Mr. LIEBERMAN. Mr. President, today I speak to the memory of Deanne Stone of Framingham, MA, a dear friend of mine who passed away on Sunday, February 4, at the age of 67. I am deeply saddened by Deanne's death and will keep her friends and family in my thoughts and prayers during this difficult time.

Those of us who were lucky enough to know Deanne could not help but be touched by her kind and generous spirit. Throughout the town of Framingham, where she lived for 46 years after marrying her husband Harvey, she was known for being willing to help anyone who asked. Mr. Stone recently told the Boston Globe that one young man recently approached him to tell him that whenever he needed help with a school project, he knew that Mrs. Stone would be the best person to whom to go.

In addition to always being willing to help her friends and neighbors, Deanne was also involved with many philanthropic efforts. Deeply inspired by her Jewish faith, Deanne believed in the power of individuals to make a difference through community service. To this end, she worked for numerous charitable organizations, developing a reputation as a dedicated and prodigious fundraiser. Throughout her career, Deanne worked for both the Combined Jewish Philanthropies of Greater Boston and B'nai B'rith International, for which she served as regional director for New England.

Deanne was also deeply involved with various educational organizations. She worked with both the Maimonides Jewish Day School in Brookline, MA, and the Weizmann Institute of Science in Israel. She also worked with the Foundation for Children's Books, a Boston-based organization dedicated to promoting literacy among young children in the hope of instilling in them a love of reading and learning. Deanne was inspired to get involved with this organization while visiting schools in Roxbury, MA. Deanne would interact with the students, be amazed at how intelligent they all were, and wondered why many of them were not succeeding in the classroom. She believed that if these young people could be taught to love reading at the earliest age possible, they might gain a sense of discovery that would inspire them to achieve academically.

Such a dedication toward education is not surprising, coming from someone who was as dedicated a student as Deanne. While attending Weaver High School in Hartford, CT, where she was born and raised, Deanne was involved in numerous extracurricular activities, including a stint as editor of the high school's newspaper. Even with so much on her plate, she was still valedictorian of her high school class in 1957. Five years later, she graduated from the prestigious Brandeis University.

Mr. President, when looking back at the life of a person as warm and altruistic as Deanne Stone, who affected so many people in such a positive way, it is excruciatingly difficult to find the words to sum it up, while also doing Deanne justice. Be that as it may, I believe Deanne's sister, Barbara Gordon, another dear friend of mine, put it best when she wrote in a letter that was read aloud at Deanne's funeral that ''The world will be emptier without my sister Deanne, but the world is a better place for her having been in it for 67 years!'' I couldn't have put it better myself.●

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month.

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road in West Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building''.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''.

H.R. 433. An act to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building''.

H.R. 514. An act to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office''.

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building''.

H.R. 577. An act to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 800. An act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–871. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the (34) reports relative to vacancy announcements that have occurred within the Department since October 23, 2001 as well as (10) reports of revisions to selected reports submitted on the same date, received on February 28, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–872. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 701—General Lending Maturity Limit and Other Financial Services'' (RIN3133–AD30) received on February 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–873. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the development of a comprehensive plan for the facilities at the Idaho National Laboratory; to the Committee on Energy and Natural Resources.

EC–874. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds under section 1113 of the Social Security Act; to the Committee on Finance.

EC–875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Depreciation of MACRS Property Acquired in a Like-Kind Exchange for an Involuntary Conversion'' ((RIN1545–BF37)(TD 9314)) received on February 28, 2007; to the Committee on Finance.

EC–876. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Implementation of OMB Guidance on Nonprocurement Debarment and Suspension'' (2 CFR Part 376) received on February 28, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–877. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Comparative Analysis of Actual Cash Collection to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 110–28).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 184, A bill to provide improved rail and surface transportation security (Rept. No. 110–29).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment, and with a preamble:

H. Con. Res. 44. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

S. Res. 78. A resolution designating April 2007 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. Res. 84. A resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

S. Con. Res. 10. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Otis D. Wright II, of California, to be United States District Judge for the Central District of California.

George H. Wu, of California, to be United States District Judge for the Central District of California.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. KENNEDY):

S. 723. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Armed Services.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 724. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. FEINGOLD, Mr. BROWN, Mr. OBAMA, Mr. COLEMAN, Ms. STABENOW, and Mr. DURBIN):

S. 726. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mrs. BOXER, Mr. BAUCUS, Mr. BROWN, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, and Mr. REID):

S. 742. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. DOMENICI, Mr. HAGEL, Mr. GRASSLEY, Mr. CRAPO, Mr. GRAHAM, Mr. ENSIGN, Mr. SMITH, Mr. VOINOVICH, Mrs. CLINTON, Mr. ALLARD, Mr. COLEMAN, Mr. BUNNING, Mr. ISAKSON, and Mr. THOMAS):

S. 743. A bill to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated; considered and passed.

By Mr. McCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. Res. 92. A resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Mr. STEVENS):

S. Con. Res. 15. A concurrent resolution authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. COLEMAN, Mr. KERRY, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. COLLINS, and Mr. MCCAIN):

S. Con. Res. 16. A concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 117

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator

from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. SANDERS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 214

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 225

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 225, a bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 535

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 563

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 563, a bill to extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes.

S. 571

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, the products of the People's Republic of China.

S. 576

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 579

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 617

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 634

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 652

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 652, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 671

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that,

not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 272 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 280

At the request of Mr. SALAZAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 280 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 281 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 282

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 282 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, every day across our Nation, families, friends, and entire communities mourn the loss of fallen soldiers, sailors, airmen and marines. Michigan has lost 130 heroes in the wars in Iraq an Afghanistan. One of the most powerful ways we can honor those who have made the ultimate sacrifice for our country is to fly the flag they fought under at half-staff.

At times during the course of these wars, governors around the country have issued proclamations for State agencies and residents to lower our Nation's flag to honor fallen service members from their States. Many Federal agencies in those States comply with such proclamations, but some have not. To a family member, the effect can be that the Federal Government appears not to be paying the proper respect to their loved one.

Today, I am introducing legislation that would prevent this situation by giving governors the explicit authority to order the Nation's flag lowered to half staff when a member of the Armed Forces from their State dies while serving on active duty. It would also require Federal agencies in that State to lower their flags consistent with a governors' proclamation. Congressman Bart Stupak is introducing identical legislation in the House of Representatives.

One of my greatest honors as the chairman of the Senate Armed Services Committee is to spend time with our troops, and they are as courageous, honorable, and capable a fighting force as the world has ever known. These men and women have made a commitment to protect our Nation. We need to make an equally strong commitment to honor them when they make the ultimate sacrifice for our country. We owe our fallen soldiers, their families, and their communities a unified showing of respect.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. LEAHY, Mr. HARKIN, Mr. HAGEL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 721. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

Mr. ENZI. Mr. President, today I am pleased to introduce the Freedom to Travel to Cuba Act with Senator DORGAN and a number of Senators. This legislation addresses only the travel provisions of our Cuba policy.

The Freedom to Travel to Cuba Act is very straightforward. It states that the President should not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens.

I have had the opportunity to watch what has happened with Cuba through the years and I am reminded of something my dad used to say—if you keep on doing what you have always been doing, you are going to wind up getting what you already got. That has been the situation with the United States policy on Cuba. We have been trying the same thing for over 40 years, and our strategy has not worked. I am suggesting a change to get more people in Cuba to increase the dialogue.

Most of us know that Fidel Castro's health is not good and that he ceded power to his brother Raul last year. I have heard arguments that now is not the time to change our policy toward Cuba, and that by changing policy, we could strengthen Raul's grip on the nation. This is the same argument we have been hearing for the last 40 years, simply a new verse.

When we stop Cuban-Americans from bringing financial assistance to their families in Cuba, end the people-to-people exchanges, and stop the sale of agricultural and medicinal products to Cuba, we are not hurting the Cuban government—we are hurting the Cuban people. We are further diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow travel to Cuba, if we increase trade and dialogue, we take away the Cuban government's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the more we work to improve the lives of the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by the Cuban government.

It is time for a different policy—one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goal of sharing democratic ideas with the people of Cuba.

The bill we are introducing today makes real change in our Cuba travel policy toward that will lead to real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends and extended family from the United States. Let them hear it from the American people who will go there. The people of this country are our best ambassadors and we should let them show the people of Cuba what we as a nation are all about. If we want to give the Cuban people real knowledge of the truth about America, we need to have Americans go there to share it.

Unilateral sanctions stop not just the flow of goods, but the flow of ideas—ideas of freedom and democracy are the keys to positive change in any nation. The rest of the world is not doing what we are doing. Countries around the world are trading with Cuba, investing in Cuba, and allowing their citizens to visit Cuba. China, Venezuela, and Iran are becoming the largest investors on the island. These nations are in a position to directly influence the future of Cuba. Americans are nowhere to be found.

Keeping the door closed and yelling at the Castro government on the other side does nothing to spread democracy and does nothing to help the people of Cuba. Let us do something, let us open the door and talk to the Cuban people. I encourage all of my colleagues to take a look at this legislation and join me in this effort.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 722. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator KYL in reintroducing legislation to authorize a special resources and land management study for lands adjacent to the Walnut Canyon National Monument in Arizona. The study is intended to evaluate a range of management options for public lands adjacent to the monument to ensure adequate protection of the canyon's cultural and natural resources. A similar bill was introduced last Congress and received a hearing in the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. The bill being introduced today reflects suggested changes of that Subcommittee and includes language that met their approval. I am grateful for the input of the members of the Subcommittee and their staff.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best protected from future development under management of the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine what is best for the land surrounding Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would help to resolve the question of future management and whether expanding the monument's boundaries could complement current public and multiple-use needs.

The legislation also would direct the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area.

This legislation would provide a mechanism for determining the management options tor one of Arizona's high uses scenic areas and protect the natural and cultural resources of this incredibly beautiful monument. I urge my colleagues to support its passage.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN introducing the Walnut Canyon Study Act of 2007. I cosponsored similar legislation in the last Congress. That legislation had a favorable hearing in the Senate Energy and Natural Resources Committee. Unfortunately, we were unable to enact it before the Congress ended.

The bill is simple. It directs the Secretary of Agriculture and the Secretary of the Interior, utilizing a third-party consultant, to conduct jointly a study of approximately 31,000 acres surrounding Walnut Canyon National Monument. The purpose of this study is to help the land managers ascertain the best long-term management strategy for these surrounding lands in order to protect the natural, cultural, and recreational values. I want to emphasize that adding these acres to the monument is not the end goal of this study.

As stated, the study area consists of approximately 31,000 acres. Approximately 25,000 acres are currently managed by the Forest Service through the Land Resource Management Plan for the Coconino National Forest. The plan was amended in early 2003 with local input to close the area to motorized access and remove the land encircling the monument from consideration for sale or exchange. The plan, as amended, is under revision. The remaining acres are comprised of State trust land managed by the State Lands Department and the Walnut Canyon National Monument itself, which is managed by the National Park Service. A small number of acres, about 200, are private land. That private land is already subject to the Coconino County and the Flagstaff City Council-approved Flagstaff-area Regional Land Use and Transportation Plan, RLUTP, which restricts development within the study area.

This legislation is the product of extensive public input that included State and local officials, Federal agencies, and local citizens who use the land surrounding the monument. This public participation highlighted the core of the debate: how can we best protect the natural and cultural resources in the area while continuing the multiple-use management in a way that has stability and permanence. I hope that this independent study will help answer that important question. I urge my colleagues to approve the bill at the earliest possible date.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 725. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today, my colleague from Maine, Senator COLLINS and I are very pleased to introduce the National Aquatic Invasive Species Act of 2007. This bill, which reauthorizes the Nonindigenous Aquatic Nuisance Prevention and Control Act, takes a Comprehensive approach towards addressing aquatic nuisance species to protect the Nation's aquatic ecosystems. Invasive species are not a new problem for this country, but what is so important about this bill is that it takes a comprehensive approach toward the problem of aquatic invasive species rather than just focusing on species after they are established and a nuisance. The bill deals with the prevention of new introductions of species, the screening of live aquatic organisms imported into the country, the rapid response to new invasions before they become established, and the research to implement the provisions of this bill.

More than 6,500 non-indigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish to animals—typically encounter few, if any, natural enemies in their new environments and often wreak havoc on native species. Aquatic nuisance species threaten biodiversity nationwide, especially in the Great Lakes.

In fact, the aquatic nuisance species became a major issue for Congress back the late eighties when the zebra mussel was released into the Great Lakes. The Great Lakes still have zebra mussels, and now, more than 20 States are fighting to control them. They have traveled down the Mississippi River, then up the Arkansas River over to Oklahoma, and zebra mussels have been found out even in Nevada and California. From 1993 to 2003, rapidly multiplying zebra mussels caused $3 billion in damage to the Great Lakes region. Industry and municipalities spend millions to keep water pipes from becoming clogged with zebra mussels. And that is just the economic impact that one species has caused.

Zebra mussels were carried over from the Mediterranean to the Great Lakes in the ballast tanks of ships. The leading pathway for aquatic invasive species was and still is maritime commerce.

Most invasive species are contained in the water that ships use for ballast to maintain trim and stability. There are over 180 aquatic invasive species in the Great Lakes. Some of the more notorious aquatic invaders such as the zebra mussel and round goby were introduced into the Great Lakes when ships pulled into port and discharged their ballast water. In addition to ballast water, aquatic invaders can also attach themselves to ships' hulls and anchor chains.

Because of the impact that the zebra mussel had in the Great Lakes, Congress passed legislation in 1990 and 1996 that has reduced, but not eliminated, the threat of new invasions by requiring ballast water management for ships entering the Great Lakes. Today, there is a mandatory ballast water management program in the Great Lakes, and the Coast Guard recently turned the voluntary ballast water exchange reporting requirement into a mandatory ballast water exchange program for all of our coasts. The current law requires that ships entering the Great Lakes must exchange their ballast water, seal their ballast tanks or use alternative treatment that is ''as effective as ballast water exchange.'' Unfortunately, alternative treatments have not been fully developed and widely tested on ships because the developers of ballast technology do not know what standard

they are trying to achieve. This obstacle is serious because ultimately, only on-board ballast water treatment will adequately reduce the threat of new aquatic nuisance species being introduced through ballast water.

Our bill addresses this problem by setting a ballast discharge standard. After 2011, all ships that enter any U.S. port after operating outside the Exclusive Economic Zone of 200 miles will be required to use a ballast water treatment technology that meets the ballast technology standard. This standard is based on the standard proposed by the International Maritime Organization but is more protective of our waters by a factor of 100. The standard would ensure that ships discharge water that has less than 1 living organism that is greater than 50 micrometers per 10 cubic meters of water. If the Coast Guard determines in 2010 that technology is not available that can meet this standard, then the Coast Guard and EPA would establish a standard for ballast water management based on the best performance available that exceeds the international standard. Technology vendors and the maritime industry will know what standard they should be striving to achieve and when they will be expected to achieve it.

I understand that ballast water technologies are being researched, and some are currently being tested on-board ships. The range of technologies includes ultraviolet lights, filters, chemicals, deoxygenation, ozone, and several others. Each of these technologies has its own merits, and each has a different price tag attached to it. This bill will not overburden the maritime industry with an expensive requirement to install technology because the market for technology to meet a domestic and an international standard is evolving into a competitive market, and that competition will provide affordable technology.

Technology will always be evolving, and we hope that affordable technology will become available that completely eliminates the risk of new introductions. Therefore, it is important that the Coast Guard regularly review and revise the standard so that it reflects what the best technology currently available is.

There are other important provisions of the bill that also address prevention. For instance, the bill encourages the Coast Guard to consult with Canada, Mexico, and other countries in developing guidelines to prevent the introduction and spread of aquatic nuisance species. The Aquatic Nuisance Species Task Force is also charged with conducting a pathway analysis to identify other high risk pathways for introduction of nuisance species and implement management strategies to reduce those introductions. And this legislation, establishes a process to screen live organisms entering the country for the first time for non-research purposes.

Organisms believed to be invasive would be imported based on conditions that prevent them from becoming a nuisance. Such a screening process might have prevented such species as the Snakehead, which has established itself in the Potomac River here in the DC area, from being imported.

The third title of this bill addresses the early detection of new invasions and the rapid response to invasions as well as the control of aquatic nuisance species that do establish themselves. If fully funded, this bill will provide a rapid response fund for states to implement emergency strategies when outbreaks occur. The bill requires the Army Corps of Engineers to construct and operate the Chicago Ship and Sanitary Canal project which includes the construction of a second dispersal barrier to keep species like the Asian carp from migrating up the Mississippi through the Canal into the Great Lakes. Equally important, this barrier will prevent the migration of invasive species in the Great Lakes from proceeding into the Mississippi system.

Lastly, the bill authorizes additional research which will identify threats and the tools to address those threats.

Though invasive species threaten the entire nation's aquatic ecosystem, I am particularly concerned with the damage that invasive species have done to the Great Lakes. There are now roughly 180 invasive species in the Great Lakes, and on average, a new species is introduced every 8 months. Invasive species cause disruptions in the food chain which is now causing the decline of certain fish. Invasive species are believed to be the cause of a new dead zone in Lake Erie. And invasive species compete with native species for habitat.

This bill addresses the ''NOBOB'' or No Ballast on Board problem which is when ships report having no ballast when they enter the Great Lakes. However, a layer of sediment and small bit of water that cannot be pumped out is still in the ballast tanks. So when water is taken on-board and then discharged all within the Great Lakes, a new species that was still living in that small bit of sediment and water may be introduced. By requiring that these ships immediately begin saltwater flushing so that freshwater species cannot survive in the saltwater being pumped through the ballast tank, this bill addresses a very serious issue in the Great Lakes. In 2012, these NOBOB ships, like all ships, will be required to install and use ballast technology.

All in all, the bill would cost about $150 million each year if authorized funding were to be fully appropriated. This is a lot of money, but it is a critical investment. As those of us from the Great Lakes know, the economic damage that invasive species can cause is much greater. The zebra mussel, which is just 1 of the 180 species that has invaded the Great Lakes, has caused $3 billion in economic damage over 10 years. Imagine what the cost of zebra mussels is to all of the states that are now dealing with them. Compared to the annual cost of zebra mussels and the hundreds of other aquatic invasive species, the cost of this bill is more than reasonable. Therefore, I urge my colleagues to cosponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickerel Pond to Lake Auburn, from Sebago Lake to Bryant Pond, lakes and ponds in Maine are under attack. Aquatic invasive species threaten Maine's drinking water systems, recreation, wildlife habitat, lakefront real estate, and fisheries. Plants, such as Variable Leaf Milfoil, are crowding out native species. Invasive Asian shore crabs are taking over Southern New England's tidal pools and have advanced well into Maine—to the potential detriment of Maine's lobster and clam industries.

I rise today to join Senator LEVIN in introducing legislation to address this problem. The National Aquatic Invasive Species Act of 2007 would create the most comprehensive nationwide approach to date for combating alien species that invade our shores.

The stakes are high when invasive species are unintentionally introduced into our Nation's waters. They endanger ecosystems, reduce biodiversity, and threaten native species. They disrupt people's lives and livelihoods by lowering property values, impairing commercial fishing and aquaculture, degrading recreational experiences, and damaging public water supplies.

In the 1950s, European Green Crabs swarmed the Maine coast and literally ate the bottom out of Maine's soft-shell clam industry by the 1980s. Many clam diggers were forced to go after other fisheries or find new vocations. In just one decade, this invader reduced the number of clam diggers in Maine from nearly 5,000 in the 1940s to fewer than 1500 in the 1950s. European green crabs currently cost an estimated $44 million a year in damage and control efforts in the United States.

Past invasions forewarn of the long-term consequences to our environment and communities unless we take steps to prevent new invasions. It is too late to stop European green crabs from taking hold on the East Coast, but we still have the opportunity to prevent many other species from taking hold in Maine and the United States.

Senator LEVIN and I first introduced a version of this legislation in late 2002. Unfortunately, in the subsequent years in which Congress has failed to act on our legislation, a number of new invasive species have taken hold in Maine. North America's most aggressive invasive species—hydrilla—was found shortly after we first introduced our legislation. This stubborn and fast-growing aquatic plant has taken hold in Pickerel Pond in the Town of Limerick, ME. This plant is now found throughout Pickerel Pond, where it diminishes recreational use for swimmers and boaters.

Eurasian Milfoil is another invasive which has taken hold since our legislation was first introduced. Maine was the last of the lower 48 States to be free of this stubborn and fast-growing invasive plant. Eurasian Milfoil degrades water quality by displacing native plants, fish and other aquatic species. The plant forms stems reaching up to 20 feet high that cause fouling problems for swimmers and boaters. In total, there are now 27 documented cases of aquatic invasive species infesting Maine's lakes and ponds.

When considering the impact of these invasive species, it is important to note the tremendous value of our lakes and ponds. While their contribution to our quality of life is priceless, their value to our economy is more measurable. Maine's Great Ponds generate nearly 13 million recreational user days each year, lead to more than $1.2 billion in annual income for Maine residents, and support more than 50,000 jobs.

With so much at stake, Mainers are taking action to stop the spread of invasive species into our State's waters. The State of Maine has made it illegal to sell, possess, cultivate, import or introduce 11 invasive aquatic plants. Boaters participating in the Maine Lake and River Protection Sticker program are providing needed funding to aid efforts to prevent, detect and manage aquatic invasive plants. Volunteers are participating in the Courtesy Boat Inspection program to keep aquatic invasive plants out of Maine lakes. Before launch or after removal, inspectors ask boaters for permission to inspect the boat, trailer or other equipment for plants.

While I am proud of the actions that Maine and many other States are taking to protect against invasive species, all too often their efforts have not been enough. Protecting the integrity of our lakes, streams, and coastlines from invading species cannot be accomplished by individual states alone. We need a uniform, nationwide approach to deal effectively with invasive species. The National Aquatic Invasive Species Act of 2007 will help my State and States throughout the Nation detect, prevent and respond to aquatic invasive species.

The National Aquatic Invasive Species Act of 2007 would be the most comprehensive effort ever undertaken to address the threat of invasive species. By authorizing $150 million per year, this legislation would open numerous new fronts in our war against invasive species. The bill directs the Coast Guard to develop regulations that will end the easy cruise of invasive species into US waters through the ballast water of international ships, and would provide the Coast Guard with $6 million per year to develop and implement these regulations.

The bill also would provide $30 million per year for a grant program to assist State efforts to prevent the spread of invasive species. It would provide additional funds for the Army Corps of Engineers and Fish and Wildlife Service to contain and control invasive species. Finally, the Levin-Collins bill would authorize $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invading species before they have a chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.

One of the leading pathways for the introduction of aquatic organisms to U.S. waters from abroad is through transoceanic vessels. Commercial vessels fill and release ballast tanks with seawater as a means of stabilization. The ballast water contains live organisms from plankton to adult fish that are transported and released through this pathway. Our legislation would require all ships, with limited exceptions, to meet environmentally protective performance standards for ballast water discharge by 2012. In addition, it would establish a mandatory ballast water management program that includes invasive species management plans, ballast management reporting requirements, and best management practices for all ships in US waters.

The National Aquatic Invasive Species Act of 2007 offers a strong framework to combat aquatic invasive species. I call on my colleagues to help us enact this legislation in order to protect our waters, ecosystems, and industries from destructive invasive species—before even more of them take hold in our lakes and rivers and along our coastlines.

By Mr. COCHRAN (for himself Mr. DODD, Mr. AKAKA, Ms. COLLINS, Mr. STEVENS, Mr. LOTT, Mr. SMITH, Mr. ALEXANDER, and Ms. SNOWE):

S. 727. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Connecticut Mr. DODD. The purpose of this bill is to improve geographic literacy among K–12 students in the United States by supporting professional development programs for their teachers that are administered in institutions of higher education. The bill also assists States in measuring the impact of education in geography.

Ensuring geographic literacy prepares students to be good citizens of both our Nation and the world. Last May, John Fahey, President of the National Geographic Society, stated that ''Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.'' When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environment, and distances between States and countries helps our students to understand national and international policies, economies, societies, and political structures on a more global scale.

The 2005 publication, What Works in Geography, reported that elementary school geography instruction significantly improves student achievement and proved that the integration of geography into the elementary school curriculum improves student literacy achievement an average of 5 percent. That's the good news. However, the 2006 National Geographic-Roper Global Geographic Literacy Survey shows that 69 percent of elementary school principals report a decrease in time spent teaching geography and less than a quarter of our Nation's high school students take a geography course in high school. This survey shows that many of our high school graduates lack the basic skills to navigate our international economy, policies and relationships.

To expect that Americans will be able to work successfully with the other people in this world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and that will continue to be the case. We need to be preparing our younger generation for global competition and ensuring that they have a strong base of understanding to be able to succeed. A strong base of geography knowledge improves those opportunities.

The U.S. Bureau of Economic Analysis announced yesterday that 27.9 percent of the U.S. GDP, that is $3.7 trillion, annually results from international trade. According to the CIA World Factbook of 2005, U.S. workers need geographic knowledge to compete in this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences, and cultural diversity among project teams.

In addition, geospatial technology is a new and emerging career available to people with an extensive background in geography education. Professionals in

geospatial technology are employed in Federal Government agencies, the private sector and the non-profit sector, focusing on areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. In the United States, there are currently 175,000 individuals employed in the geospatial technology industry. It is estimated that this industry is growing up to 14 percent per year and it is projected to be a $5–6 billion industry by 2010. A strong geography education system is a necessity for this industry's continued advancement.

Former Secretary of State Colin Powell said, ''To solve most of the major problems facing our country today, from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS, will require every young person to learn more about other regions, cultures, and languages.''

We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach these critical skills to solve these problems. Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful and research shows that students who have benefitted from this teaching outperform other students. State geography alliances exist in 19 States, including Mississippi, endowed by grants from the society. But, their efforts alone are not enough. The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focus on geography education research, and develop reliable, advanced technology based classroom materials.

In my State of Mississippi, teachers and university professors are making progress to increase geography education in the schools through additional professional training. Based at the University of Mississippi, over 300 geography teachers are members of the Mississippi Geography Alliance. Two weeks ago, the Mississippi Geography Alliance conducted a workshop for graduate and undergraduate students who are preparing to be certified to teach elementary through high school-level geography in our State. The workshop provided opportunities for model teaching sessions and discussion of best practices in the classroom.

I hope the Senate will consider the seriousness of the need to invest in geography and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mr. DOMENICI:

S. 728. A bill to authorize the Secretary of the Army to carry out restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to talk about a project of great importance to my State and our environment—one that has been discussed before on this floor when I helped unveil a vision that would rehabilitate and restore New Mexico's Bosque. I return here today to implement this vision that concerns this long neglected treasure of the Southwest.

I would like to point out that this project passed through this body in the last Congress. The project that I am proposing today was contained in the 2005 Water Resources Development Act, which passed the Senate on July 19, 2006. I hope that this important project will again obtain the approval of the Senate.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: It has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to fires. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on their efforts with the legislation I am introducing today.

I remain grateful to each of the parties who have been involved with this idea since its inception. Each one contributes a very critical component of the project. The Middle Rio Grande Conservancy District (the ''MRGCD'') owns the vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner that has worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone. Additionally, the Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor.

My bill authorizes $10 million dollars in Fiscal Year 2007 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest along the Middle Rio Grande in New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) one of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) MIDDLE RIO GRANDE.—The term ''Middle Rio Grande'' means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(2) RESTORATION PROJECT.—The term ''restoration project'' means a project carried out under this Act that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) RESTORATION PROJECTS.—The Secretary shall carry out restoration projects along the Middle Rio Grande.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may select restoration projects in the Middle Rio Grande based on feasibility studies.

(2) USE OF EXISTING STUDIES AND PLANS.—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for restoration projects.

(c) LOCAL PARTICIPATION.—In carrying out this Act, the Secretary shall consult with—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) COST-SHARING AGREEMENT.—Before carrying out any restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the restoration project through in-kind services or direct cash contributions, including the cost of providing necessary land, easements, rights-of-way, relocations, and disposal sites;

(B) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the restoration project that are incurred after the date of enactment of this Act; and

(C) to hold the United States harmless for any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest carrying out a restoration project under this Act may include a nonprofit entity.

(3) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a restoration project shall comprise not more that 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(4) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests (including activities carried out before the execution of the cooperation agreement for a restoration project) if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $10,000,000 for fiscal year 2007; and

(2) such sums as are necessary for each of fiscal years 2008 through 2016.

By Mr. SALAZAR:

S. 729. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, I rise today to speak about legislation I introduced today. The Rocky Flats Special Exposure Cohort Act will at long last repay our debt to the patriotic American workers of Rocky Flats, who served our Nation during the Cold War.

Many Americans contributed to our victory in the Cold War. Brave men and women worked in laboratories and factories throughout the Nation, fashioning nuclear weapons that led to the fall of the former Soviet Union. Unfortunately, many of these Cold War Veterans contracted cancer and other disabling and fatal diseases due to their service.

Before I arrived to Washington, DC, Congress recognized the sacrifices made by our nuclear weapons workers by enacting the Energy Employees Occupational Injury Compensation Act (EEOICPA) to provide benefits to nuclear weapons workers for their work-related illnesses or to their survivors when these illnesses took their lives.

While thousands of workers are successfully applying and receiving benefits today, others face incredible obstacles as they try to demonstrate that they qualify for benefits. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing benefits who served at the Rocky Flats facility in Colorado.

Our government failed these workers when they maintained shoddy, inaccurate, and incomplete records. Thankfully, Congress had the foresight in the Energy Employees Act to realize that some workers might not be able to prove that their cancers were caused by their work in nuclear weapons facilities, whether due to the lack of records or other problems that make it difficult or impossible to determine the dose of radiation they received. To protect these workers, Congress designated a Special Exposure Cohort to receive benefits if they suffered from one of the specified cancers known to be linked to radiation exposure.

Since February 2005, Rocky Flats workers have patiently and diligently been making their case to the Federal Government. Unfortunately, many of the Rocky Flats workers are running out of time. Over the past 2 years, several have passed away without having received the healthcare and other benefits that they would have qualified for if they were granted an SEC designation.

Their petition is being reviewed by the Advisory Board on Radiation and Worker Health (ABRWH), a body that is stretched thin. In the past, I have raised my strong concerns about the several unfilled Advisory Board seats. I commend these Americans for having answered the calls of their government to serve our country. Like our Cold War Veterans, Advisory Board members have sacrificed their time and energy to perform an important service. I believe it is the responsibility of this Congress to fulfill its duty as well.

The bill I am introducing today would extend Special Exposure Cohort status to workers employed by the Department of Energy or its contractors at Rocky Flats according to the stringent requirements of the EEOICPA. As a result of this designation, a Rocky Flats worker suffering from one of the 22 listed cancers will be able to receive benefits despite the inadequate records maintained by the Department of Energy and its contractors.

Through five decades, men and women worked at Rocky Flats, producing plutonium, one of the most dangerous substances in creation, and crafting it into the triggers for America's nuclear arsenal. These men and women served a critical role in a program deemed essential to our national security by a succession of Presidents and Congresses. We owe them an enormous debt of gratitude.

My bill is a companion bill to the bipartisan House bill, H.R. 904, introduced by my friends, Congressman MARK UDALL and Congressman ED PERLMUTTER from Colorado. I look forward to its bipartisan support in the Senate and urge this body to swiftly take up and pass this important legislation. In doing so, we will right a wrong and fulfill a task that is long overdue.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. 730. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DODD. Mr. President, as we move forward in the coming months in the Senate Committee on Rules and Administration on critical election reform hearings, I wanted to take this opportunity to re-introduce my legislation, the Voting Opportunity and Technology Enhancement Rights (VOTER) Act of 2007. I am committed to working with our new Rules Committee Chair Senator FEINSTEIN and my other Rules Committee colleagues, and with others off the committee, to try to secure enactment of tough new election reform legislation in this Congress. This bill provides a focus and framework for that discussion.

It does not purport to address all of the key problems in election reform that have arisen since enactment in 2002 of the historic Help America Vote Act (HAVA), but it is an important start, and I am pleased that Senator FEINSTEIN and I will be working together on comprehensive reform legislation this year. In light of the continuing barriers that American citizens

found at polling places across this Nation last November, including technological barriers, human errors, and other problems, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

That's why today I am re-introducing this legislation. There is nothing more fundamental to the vitality of a democracy of the people, by the people, and for the people, than the people's right to vote. In the words of Thomas Paine: ''The right of voting for representatives is the primary right by which other rights are protected.'' Indeed, it is the right on which all others in our democracy depend.

We still have a long way to go before we get to the point where all Americans are able to participate without obstacles in our elections, and able to participate with confidence in the voting systems they use. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, only 60.7 percent of eligible Americans voted. That dropped back down, in the 2006 off-year elections, to just over 40 percent.

While there are many reasons why more Americans do not vote, we learned from the debacle of the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, or lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, in 2002 Congress enacted HAVA, overwhelmingly bipartisan election reform legislation. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of the act were to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

The 2004 and 2006 elections raised both continuing and new concerns. And some of the most important of these concerns are not addressed by HAVA. The fact that less than one-half of the eligible voting age population voted in 2006 underscores the reality that not everybody votes in America. We must do better on this front, and we can. As the 2006 elections in some states reminded us, we also must do better at bolstering Americans' confidence in the security and reliability of our election systems, while preserving critical access to people with disabilities, language minorities, and others.

Let me summarize briefly what this bill does. First, the VOTER Act provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2008, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2009, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections. This last provision would in itself be a major advance.

The VOTER Act also addresses many of the recurring, and new, barriers to voting that voters faced at the polls in the last two federal elections. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place where the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls because of an administrative error or other challenge. But in 2004, and again in 2006, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. This bill ensures that voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

In addition, the VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission. This is to avoid the problem of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement would become effective in January, 2008.

To ensure that all voters have an opportunity to independently verify their ballot before it is cast and counted, the VOTER Act also requires that all States provide voters a voter-verified ballot with a choice of at least four formats for verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide voters an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all systems produce a permanent paper record for audit purposes. However, it does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

In the last few years, many have called on Congress to require a voter-verified paper ballot. And I understand what is behind that impulse. Even so, unless voter verification schemes are carefully crafted, paper-only processes can be less accurate, printer jams can result in more destroyed ballots, and they can inherently discriminate against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology—and with new approaches being developed which will require paper ballots which are then convertible into formats for verification that are accessible to persons with disabilities and language minorities—I am hopeful that as we move forward we will be able to work out an approach on which all sides can agree.

I continue to believe it is important to preserve the anti-discrimination requirements in current law, by ensuring that appropriate verification alternatives are offered to those who need them. I know my colleagues have various proposals on this issue to bring before the Committee for its consideration, either separately or as part of more comprehensive reform efforts, and we should examine those proposals carefully. That process has already begun with the Committee's hearing last month which focused on problems with electronic voting systems, including those currently before the court in the contested election for the 13th Congressional District in Sarasota County, Florida.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

It also includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards

and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet. The bill also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2009.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 and 2006 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections. In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose. This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also begins to respond to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 and 2006 elections, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2008, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers. Some have urged going beyond this, including by banning state election officials from engaging in political activity in races which they oversee; the committee should consider this approach carefully.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements. Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

This measure does not pretend to be exhaustive, and I know there are other important reform ideas that will be considered by the committee, including measures to penalize deceptive voter intimidation practices, to impose additional voting systems testing, to improve poll worker training, to ease registration for new voters, and others. I welcome a full discussion of all of these issues.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 5 years later voters still face some of the same barriers to voting that HAVA promised to remove. As we move forward on election reform this year, let us ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I invite my colleagues to join me as cosponsors of this measure, and I ask unanimous consent that a brief section-by-section analysis of this measure be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2007

SECTION-BY-SECTION ANALYSIS

Sec. 1.—Tit1e; Table of Contents.

Sec. 2.—Findings and Purposes.

Sec. 3.—National Federal Write-In Absentee Ballot.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe standards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes $100,000 for fiscal year 2007 for that purpose.

Sec. 11.—lmprovements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a—voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules

and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes $23 million for the operational costs of the Election Assistance Commission for fiscal year 2007, with $3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes $2 billion for fiscal year 2007 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. WEBB, Mr. TESTER, and Mr. BUNNING):

S. 731. A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today, I am proud to introduce the National Carbon Dioxide Storage Capacity Assessment Act of 2007.

Our earth is getting warmer. The National Oceanic and Atmospheric Administration recently announced that 2006 was the warmest year on record, and every single year since 1993 has fallen in the top twenty warmest years on record.

In February 2007, a report released by the Intergovernmental Panel on Climate Change found the levels of carbon dioxide and other greenhouse gases in the atmosphere resulting from the burning of fossil fuels have increased more than 30 percent since the Industrial Revolution. The increased levels of greenhouse gases in the atmosphere are contributing to the increased temperatures we are seeing today.

The United States is the largest emitter of CO_2 in the world, and much of these emissions come from satisfying our energy needs. These same energy needs that fuel our homes, our cars, and our economy are hurting our planet. The debate on climate change in the Senate has started to transform, it has gone from whether or not climate change is real, to what can we do, now, to address climate change. There has been much discussion in the Senate about the need to create a clean energy future for America, and there is much optimism about our ability to produce energy in ways that do not harm the environment.

In attempting to limit emissions, one promising step we can take is to sequester carbon dioxide. Carbon sequestration is a process where carbon is captured before it is released into the atmosphere, compressed, and stored underground in geological areas such as saline formations, unmineable coal seams, and oil and gas reservoirs. This technology exists today.

My legislation would start us on the path to large-scale sequestration by directing the U.S. Geological Survey to conduct a national assessment of our sequestration capacity. Specifically, this assessment would evaluate the potential capacity and rate of carbon sequestration in all possible sites throughout the United States, as well the various risk levels involved.

Carbon sequestration also holds potential economic benefits for the United States. Sequestration has the potential to enhance the recovery capabilities of certain oil, gas, and coalbed reservoirs increasing the efficiency of these important resources to the benefit of all.

The Department of Energy has already established seven regional carbon sequestration partnerships. These partnerships have vital experience and understanding about the potential for storing carbon dioxide. This bill will build upon the existing work of these partnerships, and create a national database assessable to the public on the potential storage sites across the United States—enabling companies to make cost-effective decisions needed to make sequestration a viable option.

The need to combat climate change is here; many of the techniques and technologies to combat climate change are available; and we have the will to act. What is missing for carbon sequestration is a accessible, national assessment of the potential storage sites. This bill gives us the tools our country needs to spur the implementation of carbon sequestration, fight climate change, and create a clean energy future.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 732. A bill to empower Peace Corps volunteers, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, today, March 1, marks the 46th Anniversary of the Peace Corps. Never in our history has it been more critical that the Peace Corps succeed in its mission to ''promote world peace and friendship.'' As we all know, the Peace Corps seeks to advance both a better understanding of Americans and better understanding by Americans; and these goals are especially central if we want to effectively counter the spread of extremist ideology to disaffected people around the world, people who, after all, know as little of us as we know of them.

Since 1961, nearly 190,000 Peace Corps volunteers have served our Nation as citizen diplomats. For the last 45 years, by living and working side-by-side with people from 139 nations, these volunteers have represented the very best of American ideals: working to improve the human condition, and overcoming barriers of culture, language and religion, through patience, mutual respect, and partnership.

The Peace Corps is an absolutely crucial instrument in advancing America's longer term foreign policy goals. And so today I am proud to introduce the Peace Corps Volunteer Empowerment Act that is designed to make the Peace Corps even more relevant to the dynamic world of the 21st Century. I am also very pleased to announce that another returned Peace Corps volunteer, Congressman SAM FARR will shortly introduce a companion bill in the House so that both bodies can begin working to pass this very important legislation.

The bill will provide seed monies for active Peace Corps volunteers for demonstration projects at their specific in-country sites. It authorizes $10 million in additional annual appropriations to be distributed by the Peace Corps as grants to returned Peace Corps volunteers interested in undertaking ''third goal'' projects in their communities. The bill will also authorize active Peace Corps volunteers to accept, under certain carefully defined circumstances, private donations to support their development projects.

For any organization to thrive, managers and leaders must have access to first-hand knowledge and perspectives of those working on the front lines. And so, this bill will establish mechanisms for more volunteer input into Peace Corps operations, including staffing decisions, site selection, language training and country programs. This bill will also explicitly protect certain rights of Peace Corps volunteers with respect to termination of service and whistleblower protection.

We must bring the Peace Corps into the digital age. To that end, this bill will provide volunteers with better means of communication by establishing websites and email links for use by volunteers in-country.

Inadequate funding and internal structural roadblocks have unfortunately resulted in an unfulfilled Presidential pledge to double the size of the Peace Corps by 2007. Despite a large increase in volunteers signing up for the Peace Corps immediately after September 11, the Congressional Research Service reports that the number of Peace Corps volunteers actually declined in 2006. It is crucial that we work to reverse this troubling trend. That is why this bill authorizes active recruitment from the 185,000 returned Peace Corps volunteer community for second tours as volunteers and as participants in third goal activities in the United States.

This bill will also remove certain medical, healthcare and other impediments that discourage older individuals from becoming Peace Corps volunteers. It will create more transparency in the medical screening and appeals process, and require reports on costs associated with extending post-service health coverage from 1 month to 6 months.

Finally, and perhaps most crucially, my bill includes annual authorizations for Fiscal Years 2008 to 2011, so that we can provide the means by which the

Peace Corps can double the number of volunteers to 15,000, by 2011.

In all the controversies of the past 5 years, all the vagaries of strategy and tactics and plans and counter plans, there's one policy that guarantees success: sending our best young men and women into the world to make America known. So, I encourage my colleagues to support this bill, to modernize, strengthen and enlarge the Peace Corps. On the 46th Anniversary of this great program, let us act swiftly to ensure that at the very least, the Peace Corps will continue to thrive for an additional 46 years.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 733. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, labor, and pensions.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

Nationally, the annual average cost to an employer for an individual employee's health care is $3,615. For a family, the employer contribution is $8,508. We must curb these rapidly increasing health care costs. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 10,000 employers nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 157 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their nearly 73,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better address essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing. Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

This legislation also tries to alleviate the burden that our Nation's farmers face when trying to purchase health care for themselves, their families, and their employees. Because the health insurance industry looks upon farming as a high-risk profession, many farmers are priced out of, or simply not offered, health insurance. By helping farmers join cooperatives to purchase health insurance, we will help increase their health insurance options.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pools are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in supporting this proposal to improve the quality and costs of health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Promoting Health Care Purchasing Cooperatives Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care spending in the United States has reached 16 percent of the Gross Domestic Product of the United States, yet 46,000,000 people remains uninsured.

(2) After nearly a decade of manageable increases in commercial insurance premiums, many employers are now faced with consecutive years of double digit premium increases.

(3) Purchasing cooperatives owned by participating businesses are a proven method of achieving the bargaining power necessary to manage the cost and quality of employer-sponsored health plans and other employee benefits.

(4) The Employer Health Care Alliance Cooperative has provided its members with

health care purchasing power through provider contracting, data collection, activities to enhance quality improvements in the health care community, and activities to promote employee health care consumerism.

(5) According to the National Business Coalition on Health, there are nearly 80 employer-led coalitions across the United States that collectively purchase health care, proactively challenge high costs and the inefficient delivery of health care, and share information on quality. These coalitions represent more than 10,000 employers.

(b) PURPOSE.—It is the purpose of this Act to build off of successful local employer-led health insurance initiatives by improving the value of their employees' health care.

SEC. 3. GRANTS TO SELF INSURED BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

(a) AUTHORIZATION.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the Agency for Healthcare Research and Quality, is authorized to award grants to eligible groups that meet the criteria described in subsection (d), for the development of health care purchasing cooperatives. Such grants may be used to provide support for the professional staff of such cooperatives, and to obtain contracted services for planning, development, and implementation activities for establishing such health care purchasing cooperatives.

(b) ELIGIBLE GROUP DEFINED.—

(1) IN GENERAL.—In this section, the term ''eligible group'' means a consortium of 2 or more self-insured employers, including agricultural producers, each of which are responsible for their own health insurance risk pool with respect to their employees.

(2) NO TRANSFER OF RISK.—Individual employers who are members of an eligible group may not transfer insurance risk to such group.

(c) APPLICATION.—An eligible group desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) CRITERIA.—

(1) FEASIBILITY STUDY GRANTS.—

(A) IN GENERAL.—An eligible group may submit an application under subsection (c) for a grant to conduct a feasibility study concerning the establishment of a health insurance purchasing cooperative. The Secretary shall approve applications submitted under the preceding sentence if the study will consider the criteria described in paragraph (2).

(B) REPORT.—After completion of a feasibility study under a grant under this section, an eligible group shall submit to the Secretary a report describing the results of such study.

(2) GRANT CRITERIA.—The criteria described in this paragraph include the following with respect to the eligible group:

(A) The ability of the group to effectively pool the health care purchasing power of employers.

(B) The ability of the group to provide data to employers to enable such employers to make data-based decisions regarding their health plans.

(C) The ability of the group to drive quality improvement in the health care community.

(D) The ability of the group to promote health care consumerism through employee education, self-care, and comparative provider performance information.

(E) The ability of the group to meet any other criteria determined appropriate by the Secretary.

(e) COOPERATIVE GRANTS.—After the submission of a report by an eligible group under subsection (d)(1)(B), the Secretary shall determine whether to award the group a grant for the establishment of a cooperative under subsection (a). In making a determination under the preceding sentence, the Secretary shall consider the criteria described in subsection (d)(2) with respect to the group.

(f) COOPERATIVES.—

(1) IN GENERAL.—An eligible group awarded a grant under subsection (a) shall establish or expand a health insurance purchasing cooperative that shall—

(A) be a nonprofit organization;

(B) be wholly owned, and democratically governed by its member-employers;

(C) exist solely to serve the membership base;

(D) be governed by a board of directors that is democratically elected by the cooperative membership using a 1-member, 1-vote standard; and

(E) accept any new member in accordance with specific criteria, including a limitation on the number of members, determined by the Secretary.

(2) AUTHORIZED COOPERATIVE ACTIVITIES.—A cooperative established under paragraph (1) shall—

(A) assist the members of the cooperative in pooling their health care insurance purchasing power;

(B) provide data to improve the ability of the members of the cooperative to make data-based decisions regarding their health plans;

(C) conduct activities to enhance quality improvement in the health care community;

(D) work to promote health care consumerism through employee education, self-care, and comparative provider performance information; and

(E) conduct any other activities determined appropriate by the Secretary.

(g) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date on which grants are awarded under this section, and every 2 years thereafter, the Secretary shall study programs funded by grants under this section and provide to the appropriate committees of Congress a report on the progress of such programs in improving the access of employees to quality, affordable health insurance.

(2) SLIDING SCALE FUNDING.—The Secretary shall use the information included in the report under paragraph (1) to establish a schedule for scaling back payments under this section with the goal of ensuring that programs funded with grants under this section are self sufficient within 10 years.

SEC. 4. GRANTS TO SMALL BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

The Secretary shall carry out a grant program that is identical to the grant program provided in section 3, except that an eligible group for a grant under this section shall be a consortium of 2 or more employers, including agricultural producers, each of which—

(1) have 99 employees or less; and

(2) are purchasers of health insurance (are not self-insured) for their employees.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

From the administrative funds provided to the Secretary, the Secretary may use not more than a total of $60,000,000 for fiscal years 2008 through 2017 to carry out this Act.

By Mr. SPECTER:

S. 734. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide relief to the rising number of taxpayers impacted by the Alternative Minimum Tax (AMT). Between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we now have a tax system which has grown far beyond its intended result. Important changes must be made to address these two critical issues. Absent legislative action, the number of taxpayers subject to AMT liability will continue to rise sharply. The AMT Rate Reduction Act of 2007 would bring the AMT back ''in line'' with the regular individual income tax by reducing its rate back to 24 percent. Combined with the continued extension of the AMT exemption, this proposal would remove millions of unintended middle-class taxpayers from the AMT rolls.

The AMT functions as a parallel tax system to the regular income tax so that when a taxpayer's AMT liability exceeds their regular income tax liability, that person must pay the AMT. The AMT is set up to ensure that high-income taxpayers pay their fair share by denying certain deductions and exemptions available under the regular income tax. However, the AMT is now hitting the middle class—and hitting them hard.

It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. In 2006, 3.5 million taxpayers will be subject to the AMT, and that number will continue to increase sharply in the coming decade. In Pennsylvania alone, 79,000 individuals filed their returns under the AMT in 2003, accounting for 1.37 percet of all Pennsylvania returns; 114,000 Pennsylvania returns were filed under the AMT in 2004, accounting for 1.97 percent of all Pennsylvania returns; and 137,486 Pennsylvania returns were filed under the AMT in 2005.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation, while the regular income tax is indexed, and taxpayers are ''pushed'' into the AMT through so-called ''bracket creep.'' Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of 2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006. If we do not again adjust the AMT exemption amount, it is estimated that the number of taxpayers subject to the AMT will jump from 3.5 million in 2006 to 23 million in 2007, with middle-income taxpayers most affected. In Pennsylvania alone, that number will jump drastically to 837,000 in 2007. According to the Congressional Research Service, taxpayers

filing joint returns with no dependents will be subject to the AMT starting at income levels of $75,386. Large families will be subject to the AMT at income levels as low as $49,438.

In addition to the issue of indexing the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. In theory, these simultaneous changes had the effect of keeping roughly the same number of individuals paying their taxes under the AMT. However, when President Bush's tax cuts were enacted in 2001 and 2003, Congress did not again adjust the AMT tax rates. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT tax rates created in 1993.

According to an editorial in the Wall Street Journal (WSJ) on February 23, 2007, entitled ''Bill Clinton's AMT Bomb,'' the number of filers paying the AMT increased from 300,000 to nearly 2 million between 1992 and 2002. The WSJ also cites a Joint Committee on Taxation (JCT) analysis from April 2006 which shows that about 11 million more Americans will have to pay the AMT next year as a result of the 1993 AMT rate increase. It concludes that ''going back to the pre-Clinton rates would leave only about 2.6 million tax filers subject to an AMT penalty next year instead of 23 million under current law.''

The most unfortunate aspect of adjusting the AMT is the associated cost. According to the April 2006 JCT analysis, the ten-year cost of my proposal, combined with extension of the AMT exemption amount, is a staggering $632.7 billion. However, it is still substantially less than the cost of full repeal. According to the Congressional Research Service, it is estimated that repealing the AMT would cost, depending on whether the recent reductions in the regular income tax are extended beyond 2010, $806 billion to over $1.4 trillion from 2007 through 2016.

I am cognizant of the fact that Democrats in the 110th Congress will seek to fully offset the cost of the lost revenue resulting from any adjustment to the AMT. With the political realities being as such, I am willing to work with my colleagues to identify reasonable offsets, if they are necessary, to garner broad support for this effort. However, it is questionable whether an offset should be needed to recover ''lost'' revenue that was never intended to be collected in the first place.

I look forward to working with my colleagues to both simplify our tax code and to identify the best avenue for keeping unintended taxpayers from falling prey to the AMT. I will continue to support the so-called ''hold-harmless patch.'' By both extending and increasing the AMT exemption amount to keep up with inflation, the ''patch'' ensures that no additional taxpayers on the lower end of the income spectrum become liable for the AMT. However, I urge my colleagues to support my legislation which would remove millions of additional unintended taxpayers who are currently subject the AMT.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''AMT Rate Reduction Act of 2007''.

SEC. 2. REDUCTION IN RATE OF TENTATIVE MINIMUM TAX FOR NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Clause (i) of section 55(b)(1)(A) of the Internal Revenue Code of 1986 (relating to noncorporate taxpayers) is amended to read as follows:

''(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is—

''(I) 24 percent of the taxable excess, reduced by

''(II) the alternative minimum tax foreign tax credit for the taxable year.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 55(b)(1) of such Code is amended by striking clause (iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, and Mr. COLEMAN, and Mr. KYL):

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, in the wake of the tragic events of September 11, Congress, the Administration and the country faced the urgent need to do all we can to strengthen our national security and counterterrorism strategy. Soon after the attacks, Congress moved swiftly to enact new intelligence and law enforcement powers for the Federal Government through the PATRIOT Act. Since then, we have also enacted legislation to reform our intelligence laws, and we spent significant time re-authorizing key provisions of the PATRIOT Act last year.

Yet, much work still needs to be done to achieve the goals of the 9/11 Commission. Two and a half years after its report, many of its recommendations haven't been implemented and the Nation remains seriously unprepared for another terrorist strike. A top priority is to enact the pending Improving America's Security Act—an important step in the right direction to implement the Commission's recommendations and strengthen the nation's preparedness against terrorism.

Given the circumstances driving the passage of these measures, the administration and Congress must continue to work together to assess whether existing national security laws are adequate and make necessary improvements when required.

While families in Boston, New York and across the country were still grieving over the tragedy of September 11, our communities suddenly faced a new threat, when anthrax contamination resulted in 5 deaths and 20 hospitalizations across the country. As Federal, State and local law enforcement struggled to deal with the threat of terrorism, yet another challenge arose because of reckless individuals who perpetrated hoaxes that caused panic, unrest and expenditure of critical resources.

Since September 11 such hoaxes have seriously disrupted many lives and needlessly diverted law-enforcement and emergency-services resources. In the wake of the anthrax attacks in the fall of 2001, for example, a number of individuals mailed unidentified white powder, intending for the recipient to believe it was anthrax. Over 150,000 anthrax hoaxes were reported between September 2001 and August 2002.

In Massachusetts, one of these hoaxes was directed at a military facility. Fire trucks and hazmat responders rushed to the scene at the Agawam armory, only to learn that the powder spread over the armory equipment was not a toxic substance.

Hoaxes about anthrax continue to be a serious problem. Earlier this week, such a scare shut down a university campus in Missouri when a student claimed to have a bomb and anthrax. It was a false alarm, but authorities had no choice except to make a serious response. They quarantined 23 people and evacuated 6,000 students from the campus and a nearby elementary school. The emotional and financial costs associated with these hoaxes puts an extraordinary strain on our communities and resources.

Progress has been made to pass Federal and State laws to give prosecutors the authority to charge perpetrators engaging in such reckless conduct. Without tough and comprehensive laws on the books, successful and fair prosecutions are much more difficult.

In 2004, Congress enacted the first Federal terrorism hoax statute. Its purpose was to establish definitions and set serious penalties to deal with the problem of hoax crimes, but events have moved the need for additional authority. A significant number of prosecutions have taken place for individuals who disrupt communities with terrorist hoaxes, but a disturbing pattern has also developed of new hoaxes not covered by the original law.

A few weeks ago in Boston, advertisers using so-called ''guerrilla tactics'' left strange packages near sites essential for our region's infrastructure. A serious response obviously had to be made, but its cost was high. Our public safety officials did an outstanding job in responding to the threat and discovering the hoax. Boston, Cambridge, Somerville and other affected local governments are struggling to deal with the cost and lost productivity it caused.

The incident highlighted the need to close the gaps in existing federal law on terrorist hoaxes. The current statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include, for example, hoaxes related to taking hostages, to blowing up energy facilities, attacks on military bases, or attacks on railways and mass-transit facilities, such as the London bombings.

The legislation I am introducing today will punish hoaxes involving any terrorist offense listed in current law. It also increases the maximum penalty for hoaxes involving the death or injury of a U.S. soldier during wartime.

One such incident involved a soldier from Flagstaff, Arizona who was then serving in Iraq. On a Sunday morning a prank caller devastated the family of a 22-year-old in the Army, falsely telling them their son was dead. The call came only hours after the soldier had appeared in an Arizona Daily Sun photo at a Support the Troops rally.

The hoax was a nightmare for the family. It took them a full day to get confirmation that their son was still alive in Iraq. As a member of the family testified, ''As a result of this ordeal, my family had been put in an upheaval that is unimaginable. My mother, my brother, my sister and everybody in my family were placed in terror and immeasurable pain. My niece even went into premature labor.''

The consequences of this hoax went beyond the soldier's family. The Army had allowed him to call home from Iraq by satellite phone to reassure them that he was alive and uninjured. But another soldier had been killed bringing him the satellite phone to make the call.

As the son wrote to his uncle: ''I have seen things words can't describe and done things I don't want to. I lost some friends out here loading their bodies on the truck was the worst feeling in the world. One guy died bringing me a satellite phone so I could call dad to let him know I was alive. It made me think of Saving Private Ryan. Was it worth his life and the risk of three others to bring me a phone? I know it was a relief to all of you to hear I was OK. Now I feel I must make my life worth his. I don't know if I can do that.''

The person who caused such a hoax deserves to be punished. This bill assures that effective penalties will be imposed for similar crimes in the future.

The bill also expands civil liability to allow first responders and others to seek reimbursement from a party who knows that first responders are responding to such a hoax and fails to inform authorities that no such event has occurred.

Finally, the bill clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a person.

It's unconscionable in this post-9/11 world, for anyone to be perpetrating hoaxes that cause panic and drain already limited public safety resources.

All of us remember where we were and what we were doing on 9/11. We will never forget the lives that were lost and the heroism of the first responders. We honor all those working so hard today to prevent future attacks. Hopefully, this bill will fulfill its purpose of preventing the false alarms that can be so disruptive of our families and our communities in these difficult and dangerous times.

Mr. COLEMAN. Mr. President, the legislation that I am introducing today along with Senator's KENNEDY and KYL will install tougher penalties on those who commit terrorism hoaxes. This is a very important issue to me given the September 2001 bomb threat to the Mall of America and because St. Paul is hosting the 2008 Republican Convention.

We need to send a clear message to those planning a terrorism hoax that they will pay for it dearly by spending a number of years in prison. Terrorizing the public through false threats is not a joke and should be treated as criminal conduct. The threats may be fake but the consequences are very real in costs to first responders, lost revenues and sometimes the loss of human life.

The problem is the current federal statute only punishes hoaxes involving an unduly restricted list of terrorist offenses. This list does not include: hoaxes related to the taking of hostages in order to coerce the Federal Government; hoaxes related to blowing up an energy facility; hoaxes related to attacks on military bases aimed at undermining national defense; or hoaxes related to attacks on railways and mass-transportation facilities, such as the recent London bombings.

The Kennedy-Coleman-Kyl legislation fills these gaps by expanding the hoax statute to punish hoaxes involving any offense included on the U.S. Code's official list of federal terrorist offenses. Specifically, this bill: expands on the current terrorism hoax statute so this punishes hoaxes about any terrorist offense on the U.S. Code's official list of terrorist offenses; increases the maximum penalties for hoaxes about the death or injury of a U.S. soldier during wartime; expands current law's civil liability provisions to allow first responders and others to seek reimbursement from a party who perpetrates a hoax and becomes aware that first responders believe that a terrorist offense is taking place but fails to inform authorities that no such event has occurred; and clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a natural person.

The bill increases the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime. Under the bill, the maximum penalty for such hoax would be 10 years' imprisonment, and a hoax resulting in serious bodily injury could be punished by up to 25 years' imprisonment. I urge my colleagues to pass this bipartisan measure.

By Mr. KENNEDY (for himself and Mr. SMITH):

S. 736. A bill to provide for the regulation and Oversight of laboratory tests; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SMITH today to introduce the Laboratory Test Improvement Act. Our goal is to ensure the quality of clinical tests used every day in hospitals and doctors' offices across the country. Physicians often base medical decisions on the results of such tests, and patients deserve confidence that they will not be wrongly diagnosed or given the wrong pill because of a faulty test.

In this era of rapid progression in the life sciences, we are learning more and more about the human genome and the genetic basis of disease. Genetic tests are now available for over a thousand different diseases, and the number is continuing to grow. The tests are being used to diagnose illnesses, predict who is most susceptible to specific diseases, and identify persons who carry a genetic disease that they could pass on to their children.

Today, doctors often apply different treatments until they find one that is effective and safe for a patient. But such a trial and error strategy often delays effective treatment and may well cause avoidable adverse events. In many cases today, however, clinical tests can enable doctors to avoid such errors. Through personalized medicine and the use of newly developed genetic tests, doctors are able to give a particular drug only to patients in whom it is very likely to be effective and safe, and can avoid giving it to patients who might suffer an adverse reaction.

As additional technologies are developed and our knowledge increases, clinical testing will become more and more important in guiding medical decisions, and it is essential for us to see that the tests meet a high standard. We know, however, that patients have received the wrong results from some tests. In some cases, the claims associated with genetic tests are clearly dubious.

Last year, Senator SMITH chaired a hearing by the Special Committee on Aging on a GAO report, which found that some genetic tests sold to the public have no scientific merit. Our legislation will give health providers and

patients the best possible information about the analytical and clinical validity of all clinical tests. It is our responsibility to guarantee that such tests are accurate and reliable, and I urge our colleagues to support it.

By Mr. OBAMA:

S. 737. A bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President. I am proud to introduce the Voter Advocate and Democracy Index Act of 2007 with the goal of having the Act help inform voters and State officials on how well their States are doing on a basic set of procedural standards for making polls accessible to voters and making the right to vote as easy to exercise as possible.

The Act would establish an Office of the Voter Advocate within the Election Assistance Commission that would be charged with creating a Democracy Index. The Index would rank States according to a system of measurable, basic state election practices. With that information, States could identify weak spots in their process, and voters could push for better performance.

The concept is based on a proposal that Yale Law School Professor Heather Gerken published this January in Legal Times. It focuses on issues that matter to all voters: How long did voters spend in line? How many ballots got discarded? How often did the balloting machinery break down?

The Act would constitute an important first step toward improving the health of our democracy. We are all familiar with the problems that have recently plagued our elections: Long lines, lost ballots, voters improperly turned away from the polls. These are basic failures of process. Until we fix them, we run the risk in every election that we will once again experience the kind of chaos and uncertainty that paralyzed the Nation in 2000. We can do better. We must do better. But to do better, we need more than anecdotal information. We need better, nonpartisan, objective information.

This bill would provide that information. Some voters have personally experienced problems in casting a ballot; others see stories on the news about election results tainted by malfunctioning machines, inadequate registration lists, or poorly trained administrators. I believe that these issues are merely the visible symptoms of a deeper, systemic problem in the way our election system is run. But voters need a yardstick for evaluating the full extent of the problem and what needs to be done to improve the election process in their State.

Toward that end, this bill would charge the Office of the Voter Advocate with creating the Democracy Index and specifying the success or failure of States in meeting the criteria that the index is going to measure. The bill also ensures that the Office of the Voter Advocate will draw upon the experience and knowledge of experts and citizens in thinking about what information voters would want to know in evaluating the health of their State's election process. And it requires the Office to establish a pilot program for the 2008 election, use the lessons learned from that experience, and make the Index a reality nationwide as soon as possible.

The Democracy Index would encourage healthy competition among States to improve their systems. It would allow states to engage in healthy experimentation about how best to run an election. In short, the Democracy Index will empower voters and encourage States to work toward the goal we all share: an election system that makes us all proud.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, and Mr. COLEMAN):

S. 738. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to first help small businesses in the Gulf recover, as well as to provide assistance to businesses in other parts of the country. In particular, this legislation is focused on promoting exports by U.S. small businesses. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services. In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my State who conduct Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my state and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. Certainly my first priority is to provide additional assistance to affected Gulf Coast small businesses. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs. This legislation would help strengthen the SBA International Finance Specialist program to help these small businesses access export financing.

Today I am introducing the Small Business International Trade Enhancements Act of 2007 to give all small businesses the opportunity to expand their operations into international markets. I am pleased to have Senator KERRY, the Chair of the Senate Small Business Committee, as well as Senator SNOWE, the Ranking Member, and my colleague Senator COLEMAN, as cosponsors.

As I mentioned we have 2,000 exporters in Louisiana. However, there are many other businesses who are exporters, but they do not even realize it. They may have overseas Internet sales, or they focus operations on domestic sales, but have some international buyers as well. In fact, the Small Business Administration has stated that over 96 percent of all exporters of goods and services are small businesses.

Given the importance of these exporters to my State and to the rest of the Gulf Coast, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As they continue to recover, one of the main issues being faced by our small business is accessing capital. Our exporters are no different. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist these businesses, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. That is a record staffing low for this program, down from a peak of 22 Finance Specialists in 2000. To ensure that all smaller exporters nationwide will continue to have access to export financing, this bill establishes a floor of 18 International Finance Specialists. I believe this will send a signal to our exporters that, despite current budget

deficits, we are committed to our exporters and want to provide them with the necessary resources to compete internationally.

I realize that the need for export financing is not just limited to the Gulf Coast. There are small businesses nationwide that are looking to find markets overseas. One tool that they can use is the SBA's International Trade Loan (ITL) program. International Trade Loans can help exporters develop and expand overseas markets; upgrade equipment or facilities; and assist exporters that are being hurt by import competition. Exporters can borrow up to $2 million, with $1,750,000 guaranteed by SBA.

However, as currently structured these loans are not user-friendly to lenders or borrowers and, as a result, are underutilized. Let me explain what I mean. First, the $250,000 difference between the loan cap and the guarantee requires borrowers to take out a second SBA loan to take full advantage of the $2 million guarantee. ITLs can only be used to acquire fixed assets and not working capital, a common need for exporters. Furthermore, ITLs do not have the same collateral or refinancing requirements as SBA 7(a) loans. Because of these issues, lenders do not use these loans.

This legislation will also reduce the paperwork by increasing the maximum loan guarantee to $2,750,000 and the loan cap to $3,670,000 to bring it more in line with the 7(a) program. The bill also creates a more flexible ITL by setting out that working capital is an eligible use for loan proceeds, in addition to making the ITL consistent with regular 7(a) loans by allowing the same collateral and refinancing terms as with 7(a).

The SBA International Trade and Export Loans are valuable tools for exporters but they are useless if there is no one to assist borrowers with identifying which loans are right for them. Local lending institutions that specialize in export financing can help but at a cost over less than $2 million per year, the current group of Finance Specialists has obtained bank financing for more than $10 billion in U.S. exports since 1999. The $10 billion in export sales financed by these specialists helped to create over 140,000 new, high-paying U.S. jobs.

The Small Business International Trade Enhancements Act of 2007 is an important first step, not just for exporters in the Gulf Coast, but also for small businesses nationwide who are looking to open markets overseas. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast recover and also give small businesses nationwide more options when they are seeking export financing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business International Trade Enhancements Act of 2007''.

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: ''The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

''(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''**SEC. 22.** (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—There''.

(2) in subsection (a), by inserting ''(referred to in this section as the 'Office'),'' after ''Trade'';

(3) in subsection (b)—

(A) by striking ''The Office'' and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as 'one-stop shops' in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as 'export centers' in this section)''; and

(B) by amending paragraph (1) to read as follows:

''(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women's business center network, and export centers for—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment;

''(D) trade remedy assistance; and

''(E) trade data collection.'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the access to capital by small business concerns;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(C) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D)'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D)''; and

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''office. Such specialists'' and inserting ''office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (D), by striking ''and'' at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

''(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.'';

(5) in subsection (d)—

(A) by inserting ''EXPORT FINANCING PROGRAMS.—'' after ''(d)'';

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking ''The Office shall work in cooperation'' and inserting the following:

''(1) IN GENERAL.—The Office shall work in cooperation''; and

(D) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

''(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(6) in subsection (e), by inserting ''TRADE REMEDIES.—'' after ''(e)'';

(7) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

''(3) a description of the participation by the Office in trade negotiations.'';

(8) in subsection (g), by inserting ''STUDIES.—'' after ''(g)''; and

(9) by adding at the end the following:

''(i) EXPORT ASSISTANCE CENTERS.—

''(1) IN GENERAL.—During the period beginning on October 1, 2006, and ending on September 30, 2009, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

''(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(A) had an Administration employee assigned to such Center before January 2003; and

''(B) has not had an Administration employee assigned to such Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

''(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.''.

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period and inserting ''; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines such lien provides adequate assurance of the payment of such loan.''.

(d) REFINANCING.—Section 7(a)(16)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(16)(A)(ii)), as amended by this section, is amended by inserting '', including any debt that qualifies for refinancing under any other provision of this subsection'' before the semicolon.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mr. CARDIN, Mr. KERRY, Ms. CANTWELL, and Mrs. LINCOLN):

S. 739. A bill to provide disadvantaged children with access to dental services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am reintroducing legislation entitled the Children's Dental Health Improvement Act of 2007, along with several of my colleagues. This legislation is designed to improve the access and delivery of dental health services to our Nation's children through Medicaid, through the State Children's Health Insurance Program, SCHIP, through the Indian Health Services, or IHS, and also through our Nation's safety net of community health centers.

The oral health problems facing children in this country are widespread. They are closely associated with poverty. Tooth decay remains the single most common childhood disease nationwide. Although poor children are more than twice as likely to have cavities as wealthier children, experts report that they are far less likely to receive treatment. The dramatic consequences of this lack of oral health care were underscored yesterday in the Washington Post article discussing the death of 12-year-old Deamonte Driver from complications arising from a lack of dental care. I know Senator CARDIN has spoken on this same tragic incident.

A little over a month ago, Deamonte Driver came home complaining of a toothache. Today, that young man is dead. What began as a simple toothache developed into an abscessed tooth and, eventually, a brain infection that killed him. Although his family attempted to access care, they could not acquire meaningful oral health services either when they were on the Medicaid Program or while they were uninsured.

While this young man's death is shocking, the lack of access to dental care that it reflects is not unusual. The inspector general of the Department of Health and Human Services reported that only 18 percent of the children who are eligible for Medicaid actually received even a single preventive dental service. The inspector general also reports that there is no State in the Union that provides preventive services to more than 50 percent of the eligible children. The factors are complex, but the primary one is due to the limited participation by dentists in the Medicaid Program because of the very low reimbursement rates that are provided. Such issues played a central role in the death of this young man.

The Children's Dental Health Improvement Act of 2007 provides a comprehensive strategy to address the underlying oral health issues that led to Deamonte's death. First, the legislation provides grants to States to improve dental services to children enrolled in Medicaid and SCHIP. Such grants will not only assure improved delivery of dental services to children but also improved payment rates for dental services that are provided through those two programs. The bill will also include grants to federally qualified health centers, to county and local public health departments, to dental schools, Indian tribes, tribal corporation organizations, and others to increase the availability of primary dental care services in underserved areas.

The bill also provides critical bonus payments to dentists within the Indian Health Service who commit to work there for 2, 3, or 4 years. The legislation also ensures SCHIP funds will be utilized to provide coverage for dental services for low-income children who have access to limited health insurance coverage that does not include dental services. This is known as wraparound coverage, and it is crucial that we provide for this.

In addition, the bill would make important changes to the way in which dental residents are counted for Medicare graduate medical education or GME purposes to incentivize dental schools to train a larger number of dentists.

Finally, the legislation also creates a comprehensive oral health initiative aimed at reducing oral health disparities for vulnerable populations such as low-income children and children with developmental disabilities. Such activities will be administered through the Department of Health and Human Services, the Centers for Disease Control, and a newly established chief dental officer for Medicaid and SCHIP. Such activities will also include school-based dental sealant programs as well as basic oral health promotion.

I introduce the legislation in the hope that this Congress will act this year to ensure that Deamonte's death does not repeat itself, that no more of America's children will suffer needlessly or even, as in this case, die as a result of a lack of access to meaningful oral health care. I urge my colleagues in the Senate to join me in supporting this important legislation.

I would like to thank the American Dental Association, the American Dental Education Association, the American Academy of Pediatric Dentistry, the National Association of Community Health Centers, Inc., the National Association of Children's Hospitals, the American Dental Hygienists' Association, and the Children's Dental Health Project for their outstanding support and/or their technical advice on this legislation. This bill is a result of their outstanding work.

In particular, I want to thank Dr. Burt Edelstein, Libby Mullin, and Ann De Biasi of the Children's Dental Health Project for their vast knowledge and technical assistance on this issue. I want to thank Judy Sherman of the American Dental Association, Myla Moss and Jack Bresch of the American Dental Education Association, Dr. Herber Simmons and Scott Litch of the American Academy of Pediatric Dentistry, Karen Sealander of the American Dental Hygienists' Association, Dr. Jim Richeson and Judy Kloss Bynum of the Academy of General Dentistry, Dr. Stephen Corbin of Special Olympics, Inc., and Dan Hawkins, Chris Koppen, and Roger Schwartz of the National Association of Community Health Centers, Inc., for their valuable insight, technical advice, and continued support for this legislation. I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

In addition to those organizations, I would like to thank the following groups for their support of the bill, whether in the past session of Congress or this year. They include: the Academy of General Dentistry, American Academy of Child and Adolescent Psychiatry, American Academy of Oral and Maxillofacial Pathology, American Academy of Periodontology, American Association of Dental Examiners, American Association of Dental Research, American Association of Endodontists, American Association of Public Health Dentistry, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American Association of Women Dentists, American College of Dentists, American College of Preventive Medicine, American Dental Trade Association, American Public Health Association, American Society of Dentistry for Children, American Student Dental Association, Association of Clinicians for the Underserved, Association of Maternal and Child Health Programs, Association of State and Territorial Dental Directors, Dental Dealers of America, Dental Manufacturers of America, Inc., Family Voices, Hispanic Dental Association, International College of Dentists—USA, March of Dimes, National Association of City and County Health Officers, National Association of Local Boards of Health, National Dental Association, National Health Law Program, New Mexico Department of Health, Partnership for Prevention, Society of American Indian Dentists, Special Care Dentistry, and United Cerebral Palsy Associations.

I ask unanimous consent that the Washington Post article and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 2007]

FOR WANT OF A DENTIST

(By Mary Otto)

Twelve-year-old Deamonte Driver died of a toothache Sunday.

A routine, $80 tooth extraction might have saved him.

If his mother had been insured.

If his family had not lost its Medicaid.

If Medicaid dentists weren't so hard to find.

If his mother hadn't been focused on getting a dentist for his brother, who had six rotted teeth.

By the time Deamonte's own aching tooth got any attention, the bacteria from the abscess had spread to his brain, doctors said. After two operations and more than six weeks of hospital care, the Prince George's County boy died.

Deamonte's death and the ultimate cost of his care, which could total more than $250,000, underscore an often-overlooked concern in the debate over universal health coverage: dental care.

Some poor children have no dental coverage at all. Others travel three hours to find a dentist willing to take Medicaid patients and accept the incumbent paperwork. And some, including Deamonte's brother, get in for a tooth cleaning but have trouble securing an oral surgeon to fix deeper problems.

In spite of efforts to change the system, fewer than one in three children in Maryland's Medicaid program received any dental service at all in 2005, the latest year for which figures are available from the Federal Centers for Medicare and Medicaid Services.

The figures were worse elsewhere in the region. In the District, 29.3 percent got treatment, and in Virginia, 24.3 percent were treated, although all three jurisdictions say they have done a better job reaching children in recent years.

''I certainly hope the state agencies responsible for making sure these children have dental care take note so that Deamonte didn't die in vain,'' said Laurie Norris, a lawyer for the Baltimore-based Public Justice Center who tried to help the Driver family. ''They know there is a problem, and they have not devoted adequate resources to solving it.''

Maryland officials emphasize that the delivery of basic care has improved greatly since 1997, when the state instituted a managed care program, and 1998, when legislation that provided more money and set standards for access to dental care for poor children was enacted.

About 900 of the state's 5,500 dentists accept Medicaid patients, said Arthur Fridley, last year's president of the Maryland State Dental Association. Referring patients to specialists can be particularly difficult.

Fewer than 16 percent of Maryland's Medicaid children received restorative services—such as filling cavities—in 2005, the most recent year for which figures are available.

For families such as the Drivers, the systemic problems are often compounded by personal obstacles: lack of transportation, bouts of homelessness and erratic telephone and mail service.

The Driver children have never received routine dental attention, said their mother, Alyce Driver. The bakery, construction and home health-care jobs she has held have not provided insurance. The children's Medicaid coverage had temporarily lapsed at the time Deamonte was hospitalized. And even with Medicaid's promise of dental care, the problem, she said, was finding it.

When Deamonte got sick, his mother had not realized that his tooth had been bothering him. Instead, she was focusing on his younger brother, 10-year-old DaShawn, who ''complains about his teeth all the time,'' she said.

DaShawn saw a dentist a couple of years ago, but the dentist discontinued the treatments, she said, after the boy squirmed too much in the chair. Then the family went through a crisis and spent some time in an Adelphi homeless shelter. From there, three of Driver's sons went to stay with their grandparents in a two-bedroom mobile home in Clinton.

By September, several of DaShawn's teeth had become abscessed. Driver began making calls about the boy's coverage but grew frustrated. She turned to Norris, who was working with homeless families in Prince George's.

Norris and her staff also ran into barriers: They said they made more than two dozen calls before reaching an official at the Driver family's Medicaid provider and a state supervising nurse who helped them find a dentist.

On Oct. 5, DaShawn saw Arthur Fridley, who cleaned the boy's teeth, took an X-ray and referred him to an oral surgeon. But the surgeon could not see him until Nov. 21, and that would be only for a consultation. Driver said she learned that DaShawn would need six teeth extracted and made an appointment for the earliest date available: Jan. 16.

But she had to cancel after learning Jan. 8 that the children had lost their Medicaid coverage a month earlier. She suspects that the paperwork to confirm their eligibility was mailed to the shelter in Adelphi, where they no longer live.

It was on Jan. 11 that Deamonte came home from school complaining of a headache. At Southern Maryland Hospital Center, his mother said, he got medicine for a headache, sinusitis and a dental abscess. But the next day, he was much sicker.

Eventually, he was rushed to Children's Hospital, where he underwent emergency brain surgery. He began to have seizures and had a second operation. The problem tooth was extracted.

After more than 2 weeks of care at Children's Hospital, the Clinton seventh-grader began undergoing 6 weeks of additional medical treatment as well as physical and occupational therapy at another hospital. He seemed to be mending slowly, doing math problems and enjoying visits with his brothers and teachers from his school, the Foundation School in Largo.

On Saturday, their last day together, Deamonte refused to eat but otherwise appeared happy, his mother said. They played cards and watched a show on television, lying together in his hospital bed. But after she left him that evening, he called her.

''Make sure you pray before you go to sleep,'' he told her.

The next morning at about 6, she got another call, this time from the boy's grandmother. Deamonte was unresponsive. She rushed back to the hospital.

''When I got there, my baby was gone,'' recounted his mother.

She said doctors are still not sure what happened to her son. His death certificate listed two conditions associated with brain infections: ''meningoencephalitis'' and ''subdural empyema.''

In spite of such modern innovations as the fluoridation of drinking water, tooth decay is still the single most common childhood disease nationwide, five times as common as asthma, experts say. Poor children are more than twice as likely to have cavities as their more affluent peers, research shows, but far less likely to get treatment.

Serious and costly medical consequences are ''not uncommon,'' said Norman Tinanoff, chief of pediatric dentistry at the University of Maryland Dental School in Baltimore. For instance, Deamonte's bill for two weeks at Children's alone was expected to be between $200,000 and $250,000.

The federal government requires states to provide oral health services to children through Medicaid programs, but the shortage of dentists who will treat indigent patients remains a major barrier to care, according to the National Conference of State Legislatures.

Access is worst in rural areas, where some families travel hours for dental care, Tinanoff said. In the Maryland General Assembly this year, lawmakers are considering a bill that would set aside $2 million a year for the next three years to expand public clinics where dental care remains a rarity for the poor.

Providing such access, Tinanoff and others said, eventually pays for itself, sparing children the pain and expense of a medical crisis.

Reimbursement rates for dentists remain low nationally, although Maryland, Virginia and the District have increased their rates in recent years.

Dentists also cite administrative frustrations dealing with the Medicaid bureaucracy and the difficulties of serving poor, often transient patients, a study by the state legislatures conference found.

''Whatever we've got is broke,'' Fridley said. ''It has nothing to do with access to care for these children.''

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Dental Health Improvement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER MEDICAID AND SCHIP

SEC. 101. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DENTAL SERVICES UNDER MEDICAID AND SCHIP.

''(a) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States that satisfy the requirements of subsection (b) to improve the provision of dental services to children who are enrolled in a State plan under title XIX or a State child health plan under title XXI (in this section, collectively referred to as the 'State plans').

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall provide the Secretary with the following assurances:

''(1) IMPROVED SERVICE DELIVERY.—The State shall have a plan to improve the delivery of dental services to children, including children with special health care needs, who are enrolled in the State plans, including providing outreach and administrative case management, improving collection and reporting of claims data, and providing incentives, in addition to raising reimbursement rates, to increase provider participation.

''(2) ADEQUATE PAYMENT RATES.—The State has provided for payment under the State plans for dental services for children at levels consistent with the market-based rates and sufficient enough to enlist providers to treat children in need of dental services.

''(3) ENSURED ACCESS.—The State shall ensure it will make dental services available to children enrolled in the State plans to the same extent as such services are available to the general population of the State.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds provided under this section may be used to provide administrative resources (such as program development, provider training, data collection and analysis, and research-related tasks) to assist States in providing and assessing services that include preventive and therapeutic dental care regimens.

''(2) LIMITATION.—Funds provided under this section may not be used for payment of direct dental, medical, or other services or to obtain Federal matching funds under any Federal program.

''(d) APPLICATION.—A State shall submit an application to the Secretary for a grant under this section in such form and manner and containing such information as the Secretary may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $50,000,000 for fiscal year 2008 and each fiscal year thereafter.

''(f) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(C) Section 504(d) (relating to a limitation on administrative expenditures).

''(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(E) Section 507 (relating to penalties for false statements).

''(F) Section 508 (relating to nondiscrimination).

''(G) Section 509 (relating to the administration of the grant program).''.

SEC. 102. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(ii) by adding at the end the following:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

''(A) dental services;

''(B) cost-sharing protection; or

''(C) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

''(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2008;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply to child health assistance and medical assistance provided on or after that date.

TITLE II—CORRECTING GME PAYMENTS FOR DENTAL RESIDENCY TRAINING PROGRAMS

SEC. 201. LIMITATION ON THE APPLICATION OF THE 1-YEAR LAG IN THE INDIRECT MEDICAL EDUCATION RATIO (IME) CHANGES AND THE 3-YEAR ROLLING AVERAGE FOR COUNTING INTERNS AND RESIDENTS FOR IME AND DIRECT GRADUATE MEDICAL EDUCATION (D–GME) PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) IME RATIO AND ROLLING AVERAGE.—Section 1886(d)(5)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(vi)) is amended by adding at the end the following new sentence: ''For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, subclauses (I) and (II) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.''.

(b) D-GME ROLLING AVERAGE.—Section 1886(h)(4)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(G)) is amended by adding at the end the following new clause:

''(iv) APPLICATION FOR FY 2008 AND SUBSEQUENT YEARS.—For cost reporting periods beginning during fiscal years beginning on or after October 1, 2007, clauses (i) through (iii) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic medicine and osteopathic medicine.''.

TITLE III—IMPROVING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER COMMUNITY HEALTH CENTERS, PUBLIC HEALTH DEPARTMENTS, AND THE INDIAN HEALTH SERVICE

SEC. 301. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by insert before section 330, the following:

''SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

''(b) ELIGIBILITY.—

''(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

''(A) shall be—

''(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

''(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

''(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(iv) a dental education program accredited by the Commission on Dental Accreditation; or

''(v) a community-based program whose child service population is made up of at least 33 percent of children who are eligible children, including at least 25 percent of such children being children with mental retardation or related developmental disabilities, unless specific documentation of a lack of need for access by this sub-population is established; and

''(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information concerning dental provider capacity to serve individuals with developmental disabilities.

''(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

''(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(C) provide assurances that—

''(i) the individual will practice in a federally-designated dental health professional shortage area; or

''(ii) not less than 25 percent of the patients of such individual are—

''(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

''(III) uninsured.

''(c) USE OF FUNDS.—

''(1) ENTITIES.—An entity shall use amounts received under a grant under this section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

''(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2008 through 2012 to hire and retain dental health care providers under this section.

''(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

''(A) not less than 65 percent of such amount to make grants to eligible entities; and

''(B) not more than 35 percent of such amount to make grants to eligible individuals.''.

SEC. 302. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term ''creditable service'' includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term ''dental officer'' means an officer of the Indian Health Service designated as a dental officer.

(3) DIRECTOR.—The term ''Director'' means the Director of the Indian Health Service.

(4) RESIDENCY.—The term ''residency'' means a graduate dental educational (GDE) training program of at least 12 months leading to a specialty, including general practice residency (GPR) or an advanced education general dentistry (AEGD).

(5) SPECIALTY.—The term ''specialty'' means a dental specialty for which there is an Indian Health Service specialty code number.

(b) REQUIREMENTS FOR BONUS.—

(1) IN GENERAL.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(2) LIMITATIONS.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

(A) $14,000 for a 4-year written agreement.

(B) $8,000 for a 3-year written agreement.

(C) $4,000 for a 2-year written agreement.

(c) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

(A) be at or below such grade as the Director shall determine;

(B) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service;

(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery.

(2) EXTENSION TO OTHER OFFICERS.—The Director may extend the retention bonus to dental officers other than officers with a dental specialty in pediatric dentistry, as well as to other dental hygienists with a minimum of a baccalaureate degree, based on demonstrated need.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate, with cause, at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

(e) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

SEC. 303. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) AUTHORITY TO CONDUCT PROJECTS.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration and the Director of the Indian Health Service, shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 304. TECHNICAL CORRECTION.

Section 340G(b)(1)(B) of the Public Health Service Act (42 U.S.C. 256g(b)(1)(B)) is amended by striking ''and'' at the end and inserting ''or''.

TITLE IV—IMPROVING ORAL HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS

SEC. 401. ORAL HEALTH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an oral health initiative to reduce the profound disparities in oral health by improving the health status of vulnerable populations, particularly low-income children and children with developmental disabilities, to the level of health status that is enjoyed by the majority of Americans.

(b) ACTIVITIES.—The Secretary of Health and Human Services shall, through the oral health initiative—

(1) carry out activities to improve intra- and inter-agency collaborations, including activities to identify, engage, and encourage existing Federal and State programs to maximize their potential to address oral health;

(2) carry out activities to encourage public-private partnerships to engage private sector communities of interest (including health professionals, educators, State policymakers, foundations, business, and the public) in partnerships that promote oral health and dental care;

(3) carry out activities to reduce the disease burden in high risk populations through the application of best-science in oral health, including programs such as community water fluoridation and dental sealants; and

(4) carry out activities to improve the oral health literacy of the public through school-based education programs.

(c) COORDINATION.—The Secretary of Health and Human Services shall—

(1) through the Administrator of the Centers for Medicare & Medicaid Services, establish the Chief Dental Officer for the medicaid and State children's health insurance programs established under titles XIX and XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq. 1397aa et seq.);

(2) through the Administrator of the Health Resources and Services Administration, establish the Chief Dental Office for all oral health programs within the Health Resources and Services Administration;

(3) through the Director of the Centers for Disease Control and Prevention, establish the Chief Dental Officer for all oral health programs within such Centers; and

(4) carry out this section in collaboration with the Administrators and Chief Dental Officers described in paragraphs (1), (2), and (3).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2008, and such sums as may be necessary for each subsequent fiscal year.

SEC. 402. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention, in collaboration with other organizations and agencies, shall collect data through State-based oral health surveillance systems describing the dental, craniofacial, and oral health of residents of all 50 States and certain Indian tribes.

(b) REPORTS.—The Director of the Centers for Disease Control and Prevention shall compile and analyze data collection under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of States and Indian tribes.

SEC. 403. EARLY CHILDHOOD CARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) expand existing surveillance activities to include the identification of children at high risk of early childhood caries, including sub-populations such as children with developmental disabilities;

(2) assist State, local, and tribal health agencies and departments in collecting, analyzing and disseminating data on early childhood caries; and

(3) provide for the development of public health nursing programs and public health education programs on early childhood caries prevention.

(b) APPROPRIATENESS OF ACTIVITIES.—The Secretary of Health and Human Services shall carry out programs and activities under subsection (a) in a culturally appropriate manner with respect to populations at risk of early childhood caries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. 404. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (42 U.S.C. 247b–14(c)) is amended—

(1) in paragraph (1), by inserting ''and school-linked'' after ''school-based'';

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and school-linked'' after ''school-based''; and

(B) by inserting ''or Indian tribe'' after ''State''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

''(B) be a—

''(i) public elementary or secondary school—

''(I) that is located in an urban area in which more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

''(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

''(ii) public or non-profit organization, including a grantee under section 330 and urban Indian clinics under title V of the Indian Health Care Improvement Act, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.''.

SEC. 405. BASIC ORAL HEALTH PROMOTION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with dental organizations (including organizations having expertise in the prevention and treatment of oral disease in underserved pediatric populations), shall award grants to States and Indian tribes to improve the basic capacity of such States and tribes to improve the oral health of children and their families.

(b) REQUIREMENTS.—A State or Indian tribes shall use amounts received under a grant under this section to conduct one or more of the following activities:

(1) Establish an oral health plan, policies, effective prevention programs, and accountability measures and systems.

(2) Establish and guide coalitions, partnerships, and alliances to accomplish the establishment of the plan, policies, programs and systems under paragraph (1).

(3) Monitor changes in oral disease burden, disparities, and the utilization of preventive services by high-risk populations.

(4) Identify, test, establish, support, and evaluate prevention interventions to reduce oral health disparities.

(5) Promote public awareness and education in support of improvements of oral health.

(6) Support training programs for dental and other health professions needed to strengthen oral health prevention programs.

(7) Establish, enhance, or expand oral disease prevention and disparity reduction programs.

(8) Evaluate the progress and effectiveness of the State's oral disease prevention and disparity reduction program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2008 and each subsequent fiscal year.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 740. A bill to establish in the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Invest USA Act of 2007 with my colleague from Indiana, Senator LUGAR.

Our legislation creates a United States Direct Investment Administration, USDIA, within the Department of Commerce, to be led by an Under Secretary of Commerce for United States Direct Investment. This new agency will coordinate efforts to attract more foreign direct investment in the United States, thereby making our economy more competitive by encouraging multinational businesses to open new facilities or expand existing operations here, rather than elsewhere.

Specifically, our legislation tasks the new agency with five principal duties. First, USDIA will collect and analyze data concerning direct investment flows into both the United States and other countries.

Second, USDIA will publish an annual direct investment report for Congress. This report sets forth the data that USDIA collects and analyzes in the course of its work, identifying best practices in attracting direct investment at the Federal, State, and regional levels, as well as those used by other advanced industrialized countries.

Third, USDIA will publish an annual direct investment agenda to make strategic policy recommendations based on the direct investment report. It will also act as the lead agency within a broader interagency Direct Investment Promotion Committee, which will advocate and implement USDIA's strategic policy recommendations. For example, as part of this work, it will create and maintain an internet-accessible database of direct investment opportunities in the United States.

Fourth, the legislation requires USDIA to focus on direct investment in critical high-technology industries throughout the course of its work.

The United States continues to be the premier place in the world to locate a business. However, in an increasingly globalized world, where the factors of production can easily migrate from country to country, we can no longer passively rely on our inherent competitive advantages alone. We must actively publicize them.

Many countries, particularly those in Europe, have committed significant resources to recruiting foreign direct investment. For example, in many cases, our competitors maintain offices in the United States, where they regularly meet with American business leaders, encouraging them to consider locating facilities in their country.

Currently, the United States lacks any comparable program to entice multinational businesses to invest and create jobs here. Instead, we relegate direct investment promotion to economic development agencies at the State, regional, and local level. Although these local economic development agencies make valiant efforts to attract direct investment, our lack of a national strategy creates two problems.

First, too often, these local economic development agencies suffer from limited resources, which dwindle even further if the locality is suffering from an economic downturn due to a plant closing or for other reasons. Second, the dominance of State and local agencies creates the impression of an uncoordinated patchwork in the minds of foreign business executives. Consequently, State and local economic development agencies are too often unable to perform their recruitment missions effectively. The Invest USA Act addresses these flaws by creating and funding USDIA, which can act as a one-stop shop for multinational businesses seeking to establish new operations or expand existing ones.

Of course, we need to continue to focus on persuading U.S. businesses to stay in this country. But we also need to launch a concurrent, robust effort to encourage multinational businesses to establish or move facilities to our country. The end result is the same: more jobs for U.S. workers.

According to the Organization for International Investment, direct investment in the U.S. totaled $128.6 billion in 2005, an increase of 20 percent from the previous year, and according to the latest available Government data, as of December 31, 2004, U.S. subsidiaries of foreign multinationals employed approximately 5.1 million American workers, or 4.7 percent of the workforce. Moreover, according to the latest available Department of Commerce data, average per-worker compensation paid by U.S. subsidiaries of foreign multinationals in 2004 was $63,428, over 32 percent higher than compensation at U.S. companies as a whole.

Senator LUGAR and I believe that with a proactive, strategically focused effort at the Federal level, we can do even better at attracting the best jobs to our country. The Invest USA Act of 2007 will allow us to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Invest USA Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the United States Direct Investment Administration established under section 4.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.

(3) CRITICAL HIGH-TECHNOLOGY INDUSTRIES.—The term ''critical high-technology industries'' means industries involved in technology—

(A) the development of which will—

(i) provide a wide array of economic, environmental, energy, and defense-related returns for the United States; and

(ii) ensure United States economic, environmental, energy, and defense-related welfare; and

(B) in which the United States has an abiding interest in creating or maintaining secure domestic sources.

(4) DEPARTMENT.—The term ''Department'' means the Department of Commerce.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for United States Direct Investment described in section 4(a).

(6) UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.—The term ''United States Direct Investment Promotion Committee'' means the Interagency United States Direct Investment Promotion Committee established under section 7.

(7) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement establishing the World Trade Organization entered into on April 15, 1994.

SEC. 3. RELATION TO CFIUS.

The provisions of this Act shall not affect the implementation or application of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

SEC. 4. ESTABLISHMENT OF UNITED STATES DIRECT INVESTMENT ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Commerce a United States Direct Investment Administration, which shall be headed by an Under Secretary of Commerce for United States Direct Investment. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate of pay provided for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) DEPUTY UNDER SECRETARY.—There shall be in the Administration a Deputy Under Secretary for United States Direct Investment, who shall be appointed by the

President, by and with the advice of the Senate, and shall be compensated at the rate of pay provided for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF.—The Under Secretary may appoint such additional personnel to serve in the Administration as the Under Secretary determines necessary.

(d) DUTIES.—The Under Secretary, in cooperation with the Economics and Statistics Administration and other offices at the Department, shall—

(1) collect and analyze data related to the flow of direct investment in the United States and throughout the world, as described in section 5;

(2) submit to the appropriate congressional committees an annual United States Direct Investment Report, as described in section 6;

(3) develop and publish an annual United States Direct Investment Agenda;

(4) assume responsibility as the lead agency for advocating and implementing strategic policies that will increase direct investment in the United States; and

(5) coordinate with the President regarding implementation of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

(e) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: ''Under Secretary of Commerce for United States Direct Investment.''.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following: ''Deputy Under Secretary of Commerce for United States Direct Investment.''.

SEC. 5. ANNUAL DIRECT INVESTMENT REPORT.

(a) ANNUAL DIRECT INVESTMENT REPORT.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit a report on the data identified and the analysis described in subsection (b) for the preceding calendar year (which shall be known as the ''Annual Direct Investment Report''). The Report shall be submitted to the President and the appropriate congressional committees.

(b) DATA IDENTIFICATION.—

(1) IN GENERAL.—The data identified and analysis for the Report described in subsection (a) means the data identified and analyzed by the Under Secretary of Commerce, in cooperation with the Economic and Statistics Administration and other offices at the Department and with the assistance of other departments and agencies, including the Office of the United States Trade Representative, for the preceding calendar year regarding the following:

(A) Policies, programs, and practices at the State and regional level designed to attract direct investment.

(B) The amount of direct investment attracted in each such State and region.

(C) Policies, programs, and practices in foreign countries designed to attract direct investment, and the amount of direct investment attracted in each such foreign country.

(D) A comparison of the levels of direct investment attracted in the United States and in foreign countries, including a matrix of inputs affecting the level of direct investment.

(E) Specific sectors in the United States and in foreign countries in which direct investments are being made, including the specific amounts invested in each sector, with particular emphasis on critical high-technology industries.

(F) Trends in direct investment, with particular emphasis on critical high-technology industries.

(G) The best policy and practices at the Federal, State, and regional levels regarding direct investment policy, with specific reference to programs and policies that have the greatest potential to increase direct investment in the United States and enhance United States competitive advantage relative to foreign countries. Particular emphasis should be given to attracting direct investment in critical high-technology industries.

(H) Policies, programs, and practices in foreign countries designed to attract direct investment that are not in compliance with the WTO Agreement and the agreements annexed to that Agreement.

(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS.—In making any analysis under paragraph (1), the Under Secretary shall take into account—

(A) the relative impact of policies, programs, and practices of foreign governments on United States commerce;

(B) the availability of information to document the effect of policies, programs, and practices;

(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

(D) the impact trends in direct investment have had on—

(i) the competitiveness of United States industries in the international economy, with particular emphasis on critical high-technology industries;

(ii) the value of goods and services exported from and imported to the United States;

(iii) employment in the United States, in particular high-wage employment; and

(iv) the provision of health care, pensions, and other benefits provided by companies based in the United States.

(c) ASSISTANCE OF OTHER AGENCIES.—

(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Under Secretary, upon request, such data, reports, and other information as is necessary for the Under Secretary to carry out the functions under this Act.

(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Under Secretary may request to assist in carrying out the functions of the Under Secretary.

(d) ANNUAL REVISIONS AND UPDATES.—The Under Secretary shall annually revise and update the Report described in subsection (a).

SEC. 6. ANNUAL DIRECT INVESTMENT AGENDA.

(a) IN GENERAL.—Not later than October 1, 2008, and annually thereafter, the Under Secretary shall submit an agenda based on the data and analysis described in section 5 for the preceding calendar year, to the President and the appropriate congressional committees. The agenda shall be known as the ''Annual Direct Investment Agenda'' and shall include—

(1) an evaluation of the research and development program expenditures being made in the United States with particular emphasis to critical high-technology industries considered essential to United States economic security and necessary for long-term United States economic competitiveness in world markets; and

(2) proposals that identify the policies, programs, and practices in foreign countries and that the United States should pursue that—

(A) encourage direct investment in the United States that will enhance the country's competitive advantage relative to foreign countries, with particular emphasis on critical high-technology industries;

(B) enhance the viability of the manufacturing sector in the United States;

(C) increase opportunities for high-wage jobs and promote high levels of employment;

(D) encourage economic growth; and

(E) increase opportunities for the provision of health care, pensions, and other benefits provided by companies based in the United States.

(b) SUBMISSION.—To the extent practical, the Under Secretary shall submit the Annual Direct Investment Agenda concurrently with the Annual Direct Investment Report.

(c) CONSULTATION WITH CONGRESS ON ANNUAL DIRECT INVESTMENT AGENDA.—The Under Secretary shall keep the appropriate congressional committees currently informed with respect to the Annual Direct Investment Agenda and implementation of the Agenda. After the submission of the Agenda, the Under Secretary shall also consult periodically with, and take into account the views of, the appropriate congressional committees regarding implementation of the Agenda.

SEC. 7. UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish and the Under Secretary shall assume lead responsibility for an Interagency United States Direct Investment Promotion Committee. The functions of the Committee shall be to—

(1) coordinate all United States Government activities related to the promotion of direct investment in the United States;

(2) advocate and implement strategic policies, programs, and practices that will increase direct investment in the United States;

(3) train United States Government officials to pursue strategic policies, programs, and practices that will increase direct investment in the United States;

(4) consult with business, labor, State, regional, and local government officials on strategic policies, programs, and practices that will increase direct investment in the United States;

(5) develop and publish materials that can be used by Federal, State, regional, and local government officials to increase direct investment in the United States;

(6) create and maintain a database of direct investment opportunities in the United States;

(7) create and maintain an interactive website that can be used to access direct investment opportunities in different sectors and geographical areas of the United States, with particular emphasis on critical high-technology industries;

(8) coordinate direct investment marketing activities with State Economic Development Agencies; and

(9) host regular meetings and discussions with State, regional, and local economic development officials to consider best policy practices to increase direct investment in the United States.

(b) MEMBERS.—The Committee shall be composed of the following:

(1) The Secretary of Commerce.

(2) The United States Trade Representative.

(3) Members of the United States International Trade Commission.

(4) The Secretary of the Treasury.

(5) Members of the National Economic Council.

(6) The Secretary of Agriculture.

(7) Such other officials as the President determines to be necessary.

SEC. 8. DESIGNATION OF ADDITIONAL RENEWAL COMMUNITIES.

Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

''(h) ADDITIONAL DESIGNATIONS PERMITTED.—

''(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Under Secretary of Commerce for United States Direct Investment, after consultation with the Secretary of the Treasury, may designate in the aggregate an additional 10 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas.

''(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before the date which is 5 years after such date of enactment. Subject to subparagraphs (B) and (C) of subsection (b)(1), a designation made under this subsection shall remain in effect during the period beginning with such designation and ending on the date which is 8 years after such designation.

''(3) APPLICATION OF RULES.—Except as otherwise provided in paragraph (1), the rules of this section shall apply to designations under this subsection.''.

By Ms. COLLINS:

S. 741. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, all along our Nation's coasts there are harbors that were once full of the hustle and bustle associated with the fishing industry. Unfortunately, there has been an erosion of the vital infrastructure, known as our working waterfronts, that is so critical to our commercial fishing industries. To better preserve these waterfront areas, I have drafted legislation that will help to protect commercial access to our waterfronts and to support the fishing industry's role in our maritime heritage.

When constituents have called asking me to help them in their efforts to stop the loss of their fishing businesses and the communities built around this industry, I realized more needed to be done to preserve and increase waterfront access for the commercial fishing industry. Currently, there is no Federal program to promote and protect the working waterfronts other than identifying some grant programs that might apply. There is an immediate need to protect our working waterfronts since we are losing more of them every week, and quite simply, once lost, these vital economic and community hubs of commercial fishing activity cannot be replaced.

I rise today to re-introduce a bill I originally proposed in the 109th Congress—the Working Waterfront Preservation Act. This legislation would create a program to support our Nation's commercial fishing families and the coastal communities that are at risk of losing their fishing businesses.

I can illustrate the need for such a program by describing the loss of commercial waterfront access occurring in Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. We are continually seeing portions of Maine's working waterfront being sold off to the highest bidder—with large vacation homes and condominiums rising in places that our fishing industry used to call home.

The reasons for the loss of Maine's working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that are no longer the center of economic activity.

Maine's lack of commercial waterfront prompted the formation of a ''Working Waterfront Coalition.'' This coalition is comprised of an impressive number of industry associations, nonprofit groups, and state agencies, who came together to preserve Maine's working waterfront. The coalition identified eighteen projects that would increase Maine's available working waterfront. These eighteen sites would create or preserve more than 875 jobs.

I'm pleased to note that the Working Waterfront Coalition has been successful in contributing to the creation of two programs in Maine. The first is a State tax incentive for property owners to keep their land in its current working waterfront condition. The second is a pilot program for grant funding to secure and preserve working waterfront areas. I am proud that the State of Maine has taken positive action to save its waterfront infrastructure and is a model for other States in the country facing this problem.

However, we must press on with this priority. The loss of commercial waterfront access affects the fishing industry throughout all coastal States. Pick up a newspaper in one of our coastal States, and you will read about this struggle. Fishermen in Galilee, RI are being pushed away from the waterfronts as their profitability shrinks and land values soar. The Los Angeles Times ran a story on the disappearance of working waterfronts in Florida. That State has also since enacted a law to protect their working waterfronts. Washington State struggles to balance working waterfronts with increased development pressure. Another region of the country that this bill would benefit is the Gulf Coast. This legislation would assist the victims of Hurricane Katrina in rebuilding their shore-side infrastructure destroyed in the storm.

And modest federal investment could do so much to save these areas. Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. This bill targets this problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Louisiana.

The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and state fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. Taxing only half of the gain on conservation sales is a proposal that has been advanced by the President in all of his budget proposals. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 110th Congress.

By Mr. MCCAIN:

S. 744. A bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to introduce today the Spectrum Availability for Emergency-Response and Law-Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act. The bill would provide public safety with the ability to use an additional

30 MHz of radio spectrum for a new nationwide public safety state-of-the-art broadband network. This would allow police, fire, sheriffs, and other medical and emergency professionals the ability to communicate using a modern and reliable broadband network, thereby allowing for interoperable communications between local, State and Federal first responders during emergencies.

The 9/11 Commission's Final Report states that: ''Command and control decisions were affected by the lack of knowledge of what was happening 30, 60, 90, and 100 floors above'' due to the inability of police and firefighters to communicate using their hand held radios. The Final Report recommended the ''expedited and increased assignment of radio spectrum to public safety entities'' to resolve the problem. This bill would finally implement fully the recommendation.

Let me be clear: the Federal Government has made many strides in developing a comprehensive, interoperable emergency communications plan, setting equipment standards, funding the purchase of interoperable communications equipment, and belatedly making additional radio spectrum available. But none of this is enough. We will not solve our Nation's interoperability crisis until all emergency personnel involved in responding to an incident are able to communicate seamlessly, and that is what this legislation is intended to accomplish.

I have been working on this issue for many years. Ten years ago, while serving as Chairman of the Senate Commerce Committee, I introduced the Law Enforcement and Public Safety Telecommunications Empowerment Act, which would have provided public safety with 24 MHz in the 700 MHz band and authorized 10 percent of proceeds from an auction of spectrum to commercial companies to be used to fund State and local law enforcement communications. Although my bill did not pass, Congress did require this spectrum to be allocated to public safety in the Balanced Budget Act of 1997.

Unfortunately, this spectrum was encumbered by television broadcasters who refused to move despite broadcasters being given other spectrum in the Telecommunications Act of 1996. The television broadcasters persuaded some members of Congress to slip into the Balanced Budget Act of 1997 a provision that allowed for broadcasters to retain their new spectrum and use the spectrum dedicated to public safety for an indefinite time.

Rightly, public safety fought the broadcasters' ''spectrum squatting'' and asked Congress to set a firm date for broadcasters to provide public safety spectrum. I was happy to support them in the fight.

During the 108th Congress, I introduced a bill that would have provided public safety with this spectrum by January 1, 2008. The bill was not considered by the Senate. I also introduced an amendment to the Intelligence Reform and Terrorism Prevention Act of 2004 to set a firm date for the delivery of this spectrum, but it was strongly opposed thanks to the broadcasters.

In October 2005, the Commerce Committee debated a firm date as part of the Budget Reconciliation Act of 2006. I offered an amendment to make the spectrum available by January 2007, but it was shot down by a vote of 17–5. I then took an amendment to the floor which was defeated by a vote of 30–69. Congress did finally set the date of February 17, 2009—date that is too late in my opinion.

I have not only been concerned about public safety not receiving spectrum in a timely manner, but also not receiving enough spectrum. In 2004, I offered an amendment that was included in the Intelligence Reform and Terrorism Prevention Act, which required the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study the short-term and long-term spectrum needs of public safety. In December 2005, the FCC delivered their report. While the report did not contain a specific amount of spectrum necessary to aid public safety interoperability, it did state, '' . . . . emergency response providers would benefit from the development of an integrated, interoperable nationwide network capable of delivering broadband services throughout the country.'' DHS has never provided its report to Congress.

The FCC's recommendation became all too apparent during the horrors of Hurricane Katrina. First responders in Louisiana were unable to communicate with each other during their response and recovery efforts because New Orleans and the three nearby parishes all used different radio equipment and frequencies. To make matters worse, Federal officials responding to the area used an entirely different communications system than the local first responders, which hindered relief efforts. New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that equipment was rendered useless by flooding. Nonetheless, short term solutions to link incompatible systems are not the right approach to this critical problem. A better approach is for this Nation and its representatives to get serious about public safety communications by developing an interoperable communications network for all local, state, regional and Federal first responders that can carry voice and data communications.

I believe the SAVE LIVES bill provides that comprehensive and serious approach. The bill would establish a national policy for public safety spectrum, directing that the 24 MHz allocated by Congress to public safety in 1997 be used for state, local and regional interoperability and that the 30 MHz in the 700 MHz band be available as needed for a national, interoperable public safety broadband network by local, State, regional and Federal first responders. These two networks would be interoperable, thereby allowing local, State, regional and Federal first responders to communicate. Congress has deemed spectrum in the 700 MHz band ''ideal'' for public safety communications because it can travel great distances and penetrate thick walls.

The day before our Nation experienced the worst act of terrorism on our soil, the Public Safety Wireless Advisory Committee completed an 850-page study of public safety spectrum requirements and recommended that 97.5 MHz of additional spectrum be made available for public safety. In 1997, Congress set aside 24 MHz of spectrum in the 700 MHz band for public safety use, but due to television broadcasters refusal to relocate from that spectrum, public safety will not have full use of the spectrum until February 2009. However, public safety states that the 24 MHz is not enough. Just last month, Fire Chief Charles Werner of Virginia testified before the Senate Commerce Committee that an additional 70 MHz may be needed by 2011.

The bill also would establish a ''Public Safety Interoperable Working Group'' (the Working Group) to establish user driven specifications for public safety's use of the 30 MHz and then require the FCC to auction the 30 MHz under a ''conditional license'' that requires any winning bidder to meet public safety's specifications to operate a national, interoperable public safety broadband network. If there is no winning bidder, then the license to the 30 MHz will revert to public safety, which could then use the spectrum for a national, interoperable public safety broadband network and work with the FCC to auction excess non-emergency capacity.

To ensure public safety is using the spectrum effectively and efficiently, the bill would require the FCC to review public safety's use of the 24 MHz to determine whether it could handle a national interoperable broadband network in addition to local, state and regional networks as technology improves. The bill would also require the FCC, DHS and public safety to review the possibility of moving most public safety communications to the 700 MHz and 800 MHz bands thereby enhancing interoperability.

As required by Congress, the FCC is slated to auction spectrum in the 700 MHz band by January 28, 2008. Except for the 24 MHz allocated to public safety, the remaining spectrum will be auctioned to commercial providers unless Congress dictates otherwise. Therefore any use of the 30 MHz by public safety must be considered quickly by Congress as the FCC would need to begin developing the rules for a conditional license by early fall to ensure that the auction date is not delayed.

Late last year, the FCC stated, ''The availability of a nationwide, interoperable, broadband communication network for public safety substantially

could enhance the ability of public safety entities to respond to emergency situations . . . yet only 2.6 MHz is designated for nationwide interoperable communications in the 700 MHz public safety band.'' This is unacceptable and that is why I believe the SAVE LIVES Act would solve the interoperability crisis that faces our country.

We cannot survive another disaster such as 9/11 or Katrina without reforming our Nation's interoperable communications. I fought for many years to clear the 700 MHz spectrum for first responders and now that there is a firm date for the availability of this spectrum, we should ensure that a sufficient amount of spectrum is being provided to first responders. Again, this spectrum is slated to be auctioned in January 2008 to commercial entities, so if Congress does not act now to ensure that public safety can have some reasonable access to this valuable spectrum, it will be auctioned off without any consideration to our Nation's interoperability crisis and this opportunity will be lost forever.

I know some critics would rather all of this spectrum be auctioned solely for commercial applications, such as wireless Internet surfing, instant messaging and phone services. I can assure you, I do not lay awake at night wondering why my children can't surf the Internet on their cell phone from any location at any time, but I do worry about whether we will be adequately prepared to respond to the next disaster.

I can only imagine how many lives could have been saved during 9/11 had this spectrum been available and I can only imagine how many victims of Hurricane Katrina could have been rescued sooner if only police, fire fighters and other emergency personnel had been able to communicate with each other. But instead of imagining, we have an obligation to act. We can have a national, interoperable communications system available to first responders by 2009 if we act now to make this spectrum available to public safety.

I urge my colleagues to join me in supporting the SAVE LIVES Act.

By Ms. LANDRIEU:

S. 745. A bill to provide for increased export assistance staff in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005 and Hurricane Rita of 2005; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today to speak, there are countless small businesses in the Gulf Coast, right this moment, that are open for business. The fact that they are open at all is a testament to the hard work and resolve of their owners, along with the focus and commitment of community leaders, state and local officials, as well as Congress and the White House. This is because, as you know, the Gulf Coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita.

I strongly believe that we cannot rebuild the Gulf Coast without our small businesses. Small businesses not only create jobs and pay taxes—they provide the innovation and energy that drives our economy. In fact, before Katrina and Rita hit, there were more than 95,000 small businesses in Louisiana, employing about 850,000 people—more than half of my State's workforce. About 39,000 of these businesses have yet to resume normal operations so I intend to do everything I can in the coming months to get them back up and running.

That is why today I am introducing legislation to help provide the necessary staff to help our small businesses in the Gulf recover from the devastating storms of 2005. In particular, this legislation is focused on promoting exports by small businesses Louisiana, Mississippi, and Alabama. Small businesses are important players in international trade, which is reflected in the fact that small businesses represent that 96 percent of all exporters of goods and services In Louisiana, we have about 2,000 declared exporters. However, there are many more businesses in my state who conduct Internet sales overseas, as well as those who focus operations on domestic sales but have some international buyers as well. These businesses are exporters but in many cases they do not even realize it!

Given the importance of these exporters to my State and to the rest of the country, I would like to improve their competitive edge in the international market and give them every resource they need to succeed. As our businesses continue to recover, one of the main issues being faced by our small businesses is accessing capital. They need help accessing export financing to cover export-related costs such as purchasing equipment, purchasing inventory, or financing production costs.

To assist businesses with obtaining export financing, fifteen SBA Finance Specialists operate out of 100 U.S. Export Assistance Centers administered by the Department of Commerce around the country. However, despite the increased need for export financing in the Gulf Coast, there is currently no International Finance Specialist located in any of the hardest hit States of Mississippi, Alabama and Louisiana. Instead there is one specialist in Texas with responsibility for Texas, Oklahoma, Arkansas and Louisiana and one specialist in Georgia responsible for Georgia, Alabama, Kentucky, Tennessee, and Mississippi. Due to the extensive territories they cover and limited travel budgets of the staff, these specialists must divide their time and cannot focus on the needs of Gulf Coast small businesses.

With this in mind, this legislation would provide an SBA International Finance Specialist to the New Orleans U.S. Export Assistance Center with responsibility for Louisiana, Alabama, and Mississippi. I believe this is a commonsense approach, since this position in New Orleans has remained vacant since 2003 due to retirement and budget issues. So this is not a new position or a new hire, it is simply filling a position that has sat open for far too long.

The Gulf Coast Export Recovery Act of 2007 would also address Commerce staffing issues for our New Orleans U.S. Export Assistance Center. In this office, there is currently four full-time export assistance staff, along with one Foreign Service Officer. This office has had two staffers leave the office since Katrina and I am concerned that when this Foreign Service Officer leaves this fall, that there will be no replacement. This understaffed office is struggling to keep up with the increasing demands from businesses for technical assistance on finding overseas markets for local products, particularly businesses near Baton Rouge and the River parishes. Staff in New Orleans cover south Louisiana as well as the coastal counties in Mississippi. With such a wide area to cover, and so few staff, they are doing a great job in providing services but obviously need additional help to fully service our local businesses. The Small Business International Trade Enhancements Act of 2007 would provide one additional full-time staffer to this office to assist our businesses in the parishes of East Baton Rouge, West Baton Rouge, Iberville, Pointe Coupee, St. Martin, St. Landry and Iberia. Many of our businesses from the New Orleans area are relocating to these parishes so we need adequate staff to keep up with increasing export needs in the area.

In closing, I should note that both of these provisions were included in the Commerce, Justice, Science Appropriations bill that was reported out of committee last Fall. Unfortunately, since that bill was not enacted, these provisions did not become law and our small business exporters have waited an additional 7 months for increased export assistance resources. I do not want them to have to wait another 7 months for this vital assistance. We are only asking for two full-time staffers for an office, but these two staffers would make a world of difference for the businesses, as well as for the understaffed office down there. I believe both the Department of Commerce and the Small Business Administration are supportive of these staffing increases so I look forward to working with them in the coming months to address these staffing needs in New Orleans. I urge my colleagues to support this legislation since it will help our exporters in the Gulf Coast fully recover and will help the country as a whole by increasing exports from the Gulf Coast states.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gulf Coast Export Recovery Act of 2007''.

SEC. 2. ADDITIONAL STAFF FOR NEW ORLEANS UNITED STATES EXPORT ASSISTANCE CENTER.

(a) IN GENERAL.—The Secretary of Commerce shall hire 1 additional full-time international trade specialist, to be located in the New Orleans, Louisiana, United States Export Assistance Center.

(b) RESPONSIBILITIES.—The international trade specialist hired under subsection (a) shall provide service to the parishes of East Baton Rouge, West Baton Rouge, Pointe Coupee, Iberville, St. Martin, St. Landry, and Iberia, Louisiana, and any other parish selected by the Secretary of Commerce.

SEC. 3. GULF COAST EXPORT ASSISTANCE.

(a) INCREASE IN SMALL BUSINESS INTERNATIONAL TRADE STAFF.—The Administrator shall hire an additional full-time international finance specialist to the Office of International Trade of the Administration.

(b) LOCATION AND SERVICE AREA.—The international finance specialist hired under subsection (a) shall—

(1) be located in the New Orleans, Louisiana United States Export Assistance Center;

(2) help to carry out the export promotion efforts described in section 22 of the Small Business Act (15 U.S.C. 649); and

(3) provide such services in the States of Louisiana, Mississippi, and Alabama.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administration such sums as are necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts made available under this subsection shall remain available until expended.

SEC. 4. DEFINITIONS.

For purposes of this Act, the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Ms. CANTWELL, Mr. DODD, Ms. LANDRIEU, and Mr. CRAPO):

S.J. Res. 4. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

S.J. RES. 4

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of peoples of European descent;

Whereas the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

Whereas the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their peoples have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

Whereas, while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, ''The utmost good faith shall always be observed toward the Indians'';

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts;

Whereas the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Indian Removal Act of 1830;

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the General Allotment Act of 1887 and the forcible removal of Native children from their families to far-away boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the United States Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas, despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

SEC. 2. DISCLAIMER.

Nothing in this Joint Resolution—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 92—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF SOLDIERS OF ISRAEL HELD CAPTIVE BY HAMAS AND HEZBOLLAH

Mrs. CLINTON (for herself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LAUTENBERG, Mr.

COLEMAN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BROWN, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 92

Whereas Israel withdrew from southern Lebanon on May 24, 2000;

Whereas Congress expressed concern for soldiers of Israel missing in Lebanon and Syrian-controlled territory of Lebanon in the Act entitled ''To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action'', approved November 8, 1999 (Public Law 106–89), which required the Secretary of State to raise the status of missing soldiers of Israel with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas, on June 18, 2000, the United Nations Security Council welcomed and endorsed the report by United Nations Secretary-General Kofi Annan that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing 2 soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas, on July 12, 2006, terrorists of Hezbollah crossed into Israel to attack troops of Israeli patrolling the Israeli side of the border with Lebanon, killing 3 soldiers, wounding 2 more, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders;

(B) strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel;

(C) ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, Eldad Regev, and all other missing soldiers of Israel; and

(D) full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings that precipitated weeks of intensive armed conflict between Israel and Hezbollah and armed Palestinian groups; and

(B) Iran and Syria for their ongoing support of Hezbollah and Hamas.

SENATE CONCURRENT RESOLUTION 15—AUTHORIZING THE ROTUNDA OF THE CAPITOL TO BE USED ON MARCH 29, 2007, FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. LEVIN (for himself and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109–213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SENATE CONCURRENT RESOLUTION 16—CALLING ON THE GOVERNMENT OF UGANDA AND THE LORD'S RESISTANCE ARMY (LRA) TO RECOMMIT TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA AND TO RECOMMENCE VITAL PEACE TALKS, AND URGING IMMEDIATE AND SUBSTANTIAL SUPPORT FOR THE ONGOING PEACE PROCESS FROM THE UNITED STATES AND THE INTERNATIONAL COMMUNITY

Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. COLEMAN, Mr. KERRY, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. COLLINS, and Mr. MCCAIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda ''the biggest forgotten, neglected humanitarian emergency in the world today'';

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA ''vicious and cult-like'' and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that ''security forces committed unlawful killings... and were responsible for deaths as a result of torture'' along with other ''serious problems,'' including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for

those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

AMENDMENTS SUBMITTED AND PROPOSED

SA 288. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms.COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 299. Mr. STEVENS (for himself, Mrs. CLINTON, Mr. INOUYE, Mrs. HUTCHISON, Mr. SMITH, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 303. Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table .

SA 304. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. BINGAMAN (for himself and Mr. DOMENICI) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 305. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 288. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTERVIEWS OF VISA APPLICANTS.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(i) INTERVIEWS FOR VISA APPLICANTS.—

''(1) AUTHORITY TO UTILIZE VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' shall include an interview conducted via videoconference or similar technology after the date that the Secretary of State certifies to the Secretary of Homeland Security that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview via videoconference or similar technology are those of the visa applicant.

''(2) PILOT PROGRAM TO PERMIT MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews via the use of mobile teams of consular officials after the date that the Secretary of State certifies to the Secretary of Homeland Security that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process.''.

SA 289. Mrs. FEINSTEIN submitted an amendment intended to be proposed

to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

SEC. 1104. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to all the members of such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall include a statement of the reasons for such determination and a description that provides the main features of the covert actions covered by such determination.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 1105. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SA 290. Mr. SALAZAR (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland defense strategy.

(2) REVIEW.—Every 4 years after the establishment of the national homeland defense strategy, the Secretary shall conduct a comprehensive examination of the national homeland defense strategy.

(3) SCOPE.—In establishing or reviewing the national homeland defense strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland defense strategy under this subsection shall be known as the ''quadrennial homeland defense review''.

(5) CONSULTATION.—Each quadrennial homeland defense review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with the national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the

Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland defense review.

SA 291. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 121, between lines 2 and 3, insert the following:

''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

SA 292. Mr. SUNUNU proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SA 293. Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. __01. SHORT TITLE.

This title may be cited as the ''The American National Red Cross Governance Modernization Act of 2007''.

SEC. __02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the ''Board of Governors'') commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled ''American Red Cross Governance for the 21st Century'' (the ''Governance Report''), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. __03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ''a Federally chartered instrumentality of the United States and'' before ''a body corporate and politic''; and

(2) in subsection (b), by inserting at the end the following new sentence: ''The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.''.

SEC. _04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) to conduct other activities consistent with the foregoing purposes.''.

SEC. _05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting '', or as otherwise provided,'' before ''in the bylaws'';

(2) in subsection (b)(1)—

(A) by striking ''board of governors'' and inserting ''corporation''; and

(B) by inserting ''policies and'' before ''regulations related''; and

(3) in subsection (b)(2)—

(A) by inserting ''policies and'' before ''regulations shall require''; and

(B) by striking ''national convention'' and inserting ''annual meeting''.

SEC. _06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

''§ 300104. Board of governors

''(a) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

''(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

''(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

''(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

''(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

''(A) CHAIRMAN.—

''(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

''(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

''(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(B) OTHER MEMBERS.—

''(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

''(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

''(b) TERMS OF OFFICE.—

''(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

''(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

''(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

''(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

''(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

''(c) COMMITTEES AND OFFICERS.—The board—

''(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

''(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

''(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

''(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

''(d) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

''(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

''(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

''(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

''(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

''(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

''(f) VOTING BY PROXY.—

''(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

''(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

''(g) BYLAWS.—

''(1) IN GENERAL.—The board of governors may—

''(A) at any time adopt bylaws; and

''(B) at any time adopt bylaws to be effective only in an emergency.

''(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

''(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.''.

SEC. _07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking ''bylaws'' and inserting ''policies''.

SEC. _08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

''§ 300107. Annual meeting

''(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

''(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

''(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

''(d) VOTING.—

''(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

''(2) ESTABLISHMENT OF NUMBER OF VOTES.—

''(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

''(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.''.

SEC. _09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking ''nine'' from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: ''The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.''.

SEC. __10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

''(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.''.

SEC. __11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

''§ 300111. Authority of the Comptroller General of the United States

''The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

''§ 300112. Office of the Ombudsman

''(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

''(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

''300111. Authority of the Comptroller General of the United States.
''300112. Office of the Ombudsman.
''300113. Reservation of right to amend or repeal.''.

SA 294. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

After title XV, add the following:

TITLE XVI—TERMINATION OF FORCE AND EFFECT OF THE ACT

SEC. 1601. TERMINATION OF FORCE AND EFFECT OF THE ACT.

The provisions of this Act (including the amendments made by this Act) shall cease to have any force or effect on and after December 31, 2012.

SA 295. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. FEDERAL SHARE FOR ASSISTANCE RELATING TO HURRICANE KATRINA OF 2005 OR HURRICANE RITA OF 2005.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 shall be 100 percent.

(b) EFFECTIVE DATE.—This section shall apply to any assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) on or after August 28, 2005.

SA 296. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. _____. CANCELLATION OF LOANS.

(a) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking ''*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:''.

(b) DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading ''DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under the heading ''DEPARTMENT OF HOMELAND SECURITY'', by striking ''*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061).

SA 297. Mr. KERRY (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 298. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BIDEN) proposed to amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes:

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. _____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109–347) is amended by inserting after section 232 the following:

''SEC. 232A. SCANNING ALL CARGO CONTAINERS.

''(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

''(I) to identify the place of a breach into a container;

''(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

''(b) REGULATIONS; APPLICATION.—

''(1) REGULATIONS.—

''(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the

pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

''(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

''(2) PHASED-IN APPLICATION.—

''(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

''(i) the end of the 3-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

''(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America's Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

''(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

''(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

''(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

''(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

''(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109–347) is amended by inserting after the item related to section 232 the following:

''Sec. 232A. Deadline for scanning all cargo containers.''.

SA 299. Mr. STEVENS (for himself, Mrs. CLINTON, Mr. INOUYE, Mrs. HUTCHISON, Mr. SMITH, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE XIV—911 MODERNIZATION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''911 Modernization Act''.

SEC. 1402. FUNDING FOR PROGRAM.

Section 3011 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking ''The'' and inserting:

''(a) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of this provision, such sums as necessary, but not to exceed $43,500,000 to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.''.

SEC. 1403. NTIA COORDINATION OF E–911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: ''Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to provide priority for public safety answering points not capable, as of the date of enactment of that Act, of receiving 911 calls.''.

SA 300. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visas issued before, on, or after such date.

SA 301. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between the matter preceding line 7 and line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) ''appropriate committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) ''improper payment'' has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—A grant recipient of funds received under any grant program administered by the Department may not expend such funds, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

SA 302. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for preemployment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall be—

(1) compensated for training and services time while participating in the program: and

(2) required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

SA 303. Mr. KENNEDY (for himself, Mr. COLEMAN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 15___. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), after ''title 49,'' insert ''or any other offense listed under section 2332b(g)(5)(B) of this title,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''5 years'' and inserting ''10 years''; and

(ii) in subparagraph (B), by striking ''20 years'' and inserting ''25 years''; and

(2) by amending subsection (b) to read as follows:

''(b) CIVIL ACTION.—

''(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(2) EFFECT OF CONDUCT.—

''(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

''(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

''(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

''(B) APPLICABILITY.—A person described in this subparagraph is any person that—

''(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

''(ii) receives notice that another party believes that the information indicates that such an activity has taken, is taking, or will take place; and

''(iii) after receiving such notice, fails to promptly and reasonably inform any party described in subparagraph (B) of the actual nature of the activity.''.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

''For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.''.

SA 304. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 281 submitted by Mr. BINGAMAN (for himself and Mr. DOMENICI) to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 8 through 13 and insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 305. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. CRAIG, Mr. COBURN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, or detain an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. ___. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period

for departure has expired under subsection (a)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 306. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, after line 20, add the following:

Subtitle D—Transport of High Hazard Materials

SEC. 1391. REGULATIONS FOR TRANSPORT OF HIGH HAZARD MATERIALS.

(a) DEFINITION OF HIGH THREAT CORRIDOR.—In this section, the term ''high threat corridor'' means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of high hazard materials, including—

(1) areas important to national security;

(2) areas that terrorists may be particularly likely to attack; or

(3) any other area designated by the Secretary as vulnerable to damage from the shipment or storage of high hazard materials.

(b) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for high hazard materials being transported or stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing high hazard materials.

(c) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations, after notice and opportunity for public comment, concerning the shipment and storage of high hazard materials. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations related to shipping and storing high hazard materials.

(d) REQUIREMENTS.—The regulations issued under this section shall—

(1) except as provided in subsection (e), provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor;

(2) establish protocols for owners and operators of railroads that ship high hazard materials regarding notifying all governors, mayors, and other designated officials and local emergency response providers in a high threat corridor of the quantity and type of high hazard materials that are transported by rail through the high threat corridor;

(3) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a shipments of high hazard materials that causes the release of such materials; and

(4) establish standards for the Secretary to grant exceptions to the rerouting requirement under paragraph (1).

(e) TRANSPORTATION AND STORAGE OF HIGH HAZARD MATERIALS THROUGH HIGH THREAT CORRIDOR.—

(1) IN GENERAL.—The standards for the Secretary to grant exceptions under subsection (d)(4) shall require a special finding by the Secretary that—

(A) the shipment originates or the point of destination is in the high threat corridor;

(B) there is no practicable alternative route;

(C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;

(D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on the shipment; or

(E) rerouting would increase the likelihood of a terrorist attack on the shipment.

(2) PRACTICAL ALTERNATE ROUTES.—Whether a shipper must use an interchange agreement or otherwise use a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1).

(3) GRANT OF EXCEPTION.—If the Secretary grants an exception under subsection (d)(4)—

(A) the high hazard material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SA 307. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

SA 308. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following principles:

(1) The responsibility for ensuring the national security of the United States rests exclusively with the Government of the United States and should not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people should not be limited by, or made dependent upon, the action or inaction of any international organization, agency, or tribunal or by the government of any other country.

(3) The Constitution of the United States is the supreme law of the land and cannot be subordinated to, or superseded by, the decisions, rulings, or other acts of any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the national security of the United States, the Government of the United States has sought and should continue to seek the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries, but no decision or act taken by the Government of the United States regarding its responsibility to provide for the common defense, promote the general welfare, and secure the liberty of the American people should be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

(5) The United Nations Security Council should not be asked to authorize the PSI under international law, and in order for the United Nations to be helpful in combating terrorism and proliferation, it should first—

(A) establish a comprehensive definition of terrorism that condemns all acts by individuals, resistance movements or other irregular military groups, or nations intended to cause death or serious injury to civilians or non-combatants with the purpose of intimidating a population or compelling a government to do or abstain from doing any act;

(B) fulfill the September 2005 commitment of the Summit of World Leaders to establish a comprehensive convention against terrorism;

(C) have the United Nations Counter-Terrorism Committee establish a list of individuals, organizations, and states that commit terrorist acts or support terrorist groups and activities;

(D) prohibit states under sanction for human rights abuses or terrorism by the United Nations Security Council from running for seats on or chairing any United Nations body, such as the Human Rights Council or the United Nations Disarmament Commission;

(E) prohibit member states in violation of Chapter 7 of the United Nations Charter and seen as a threat to international security and peace from sitting as non-permanent members of the United Nations Security Council; and

(F) prohibit giving United Nations credentials to nongovernmental organizations that promote or condone terrorism or terrorist groups.

(6) Formalizing the PSI into a multilateral regime would severely hamper PSI's flexibility and ability to adapt to changing conditions.

(b) STRENGTHENING THE PROLIFERATION SECURITY INITIATIVE.—The President is not authorized to—

(1) seek to subject the Proliferation Security Initiative to any authority, oversight, or resolution of the United Nations Security Council, international law, an international organization, agency, or tribunal, or the government of any country not participating in the Proliferation Security Initiative; or

(2) formalize the Proliferation Security Initiative into a multilateral regime.

SA 309. Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, insert the following:

TITLE XVI—MONEY LAUNDERING AND TERRORIST FINANCING

SEC. 1601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Combating Money Laundering and Terrorist Financing Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Subtitle A—Money Laundering

SEC. 1610. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

''(7) the term 'specified unlawful activity' means—

''(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

''(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;''.

SEC. 1611. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**or in support of criminal activity**'' after ''**specified unlawful activity**'';

(2) in subsection (a), by striking ''Whoever'' and inserting the following:

''(1) Whoever''; and

(3) by adding at the end the following:

''(2) Whoever—

''(A) in any of the circumstances set forth in subsection (d)—

''(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

''(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

''(B) in or affecting interstate commerce; and

''(C) either—

''(i) knowing that the property was derived from some form of unlawful activity; or

''(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.''.

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.''.

SEC. 1612. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.''.

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking ''related to such correspondent account'';

(2) by striking ''or the Attorney General'' and inserting '', the Attorney General, or the Secretary of Homeland Security''; and

(3) by adding at the end the following:

''(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.''.

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking ''or''; and

(2) by inserting before the period the following: '', or an investigative subpoena issued under section 5318 of title 31, United States Code''.

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''or an investigative subpoena issued under section 5318 of title 31, United States Code'' after ''grand jury subpoena''; and

(2) in paragraph (3)(B), by inserting '', an investigative subpoena issued under section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting ''or to the Government'' after ''to the grand jury''; and

(2) in subsection (b)(1), by inserting '', or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

SEC. 1613. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.''.

SEC. 1614. BULK CASH SMUGGLING.

Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking ''5 years'' and inserting ''10 years''; and

(2) by adding the end the following:

''(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.''.

SEC. 1615. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

''(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

''(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

''(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

''(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.''.

SEC. 1616. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.''.

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking ''or section 1957'' and inserting '', section 1957, or section 1960''.

SEC. 1617. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking ''**unlicensed**'' and inserting ''**illegal**'';

(B) in subsection (a), by striking ''unlicensed'' and inserting ''illegal''; and

(C) in subsection (b)(1), by striking ''unlicensed'' and inserting ''illegal''.

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1960. Prohibition of illegal money transmitting businesses.''.

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.''.

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: '', whether or not the defendant knew that the operation was required to comply with such registration requirements''.

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY TO INVESTIGATE.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.''.

SEC. 1618. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''; and

(2) in paragraph (2)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''.

SEC. 1619. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting ''or has an effect in the United States'' after ''conduct occurs in part in the United States''.

SEC. 1620. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever has in his control, custody, or possession any plate'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or''.

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever, with intent to defraud'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or''.

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking ''or 474'' and inserting ''474, or 474A''.

(d) STRENGTHENING DETERRENTS TO COUNTERFEITING.—Section 474A of title 18, United States Code is amended—

(1) in subsection (a)—

(A) by inserting '', custody,'' after ''control'';

(B) by inserting '', forging, or counterfeiting'' after ''to the making'';

(C) by striking ''such obligation'' and inserting ''obligation''; and

(D) by inserting ''of the United States'' after ''or other security'';

(2) in subsection (b)—

(A) by inserting '', custody,'' after ''control'';

(B) striking ''any essentially identical feature or device'' and inserting ''any material or other thing made after or in the similitude of any such deterrent''; and

(C) by inserting '', forging, or counterfeiting'' after ''to the making'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c) Whoever has in his control, custody, or possession any altered obligation or security of the United States or any foreign government adapted to the making, forging, or counterfeiting of any obligation or security of the United States or any foreign government, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.''.

SEC. 1621. USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.

(a) AUTHORITY OF SECRET SERVICE.—During fiscal years 2008 through 2010, with respect to any undercover investigative operation of the United States Secret Service (in this section referred to as the ''Secret Service'') which is necessary for the detection and prosecution of crimes against the United States—

(1) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to—

(A) sections 1341 and 3324 of title 31 of the United States Code;

(B) section 8141 of title 40 of the United States Code;

(C) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22); and

(D) sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and 255);

(2) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used—

(A) to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation; and

(B) to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31 of the United States Code;

(3) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, and the proceeds seized, earned, or otherwise accrued from any such undercover investigative operation, may be deposited in banks or other financial institutions, without regard to—

(A) section 648 of title 18 of the United States Code; and

(B) section 3302 of title 31 of the United States Code; and

(4) proceeds seized, earned, or otherwise accrued from any such undercover investigative operation may be used to offset the necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code.

(b) WRITTEN CERTIFICATION OF DIRECTOR REQUIRED.—

(1) IN GENERAL.—The authority granted under subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or the Director's designee.

(2) CONTENT OF CERTIFICATION.—Each certification issued under paragraph (1) shall state that any action authorized under paragraph (1), (2), (3), or (4) of subsection (a) is necessary to conduct the undercover investigative operation.

(3) DURATION OF CERTIFICATION.—Each certification issued under paragraph (1) shall continue in effect for the duration of the undercover investigative operation, without regard to fiscal years.

(c) TRANSFER OF PROCEEDS TO TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4)

of subsection (a) are no longer necessary for the conduct of such operation, such proceeds, or the balance of such proceeds, remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) CORPORATIONS WITH A HIGH NET VALUE.—

(1) IN GENERAL.—If a corporation or business entity established or acquired as part of an undercover investigative operation under subsection (a)(2) having a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director of the Secret Service or the Director's designee determines is practicable, shall report the circumstances of such liquidation, sale, or other disposition to the Secretary of Homeland Security.

(2) TRANSFER OF PROCEEDS TO TREASURY.—The proceeds of any liquidation, sale, or other disposition of any corporation or business entity under paragraph (1) shall, after all other obligations are met, be deposited in the Treasury of the United States as miscellaneous receipts.

(e) AUDITS.—The Secret Service shall—

(1) conduct, on a quarterly basis, a detailed financial audit of each completed undercover investigative operation where a written certification was issued pursuant to this section; and

(2) report the results of each such audit in writing to the Secretary of Homeland Security.

Subtitle B—Technical Amendments

SEC. 1631. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957 OF TITLE 18.

(a) UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''conducts'' and inserting ''conduct''; and

(2) in paragraph (7)(F), by inserting '', as defined in section 24(a)'' before the semicolon.

(b) PROPERTY FROM UNLAWFUL ACTIVITY.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''engages or attempts to engage in'' and inserting ''conducts or attempts to conduct''; and

(2) in subsection (f)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).''.

SA 310. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page ___, between lines __ and __, insert the following:

SEC. 406. DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending clause (ii) of subparagraph (B) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.'';

(B) by adding at the end of subparagraph (B), the following flush text:

''If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii).''; and

(C) by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.'';

(3) in paragraph (2), by adding at the end the following new sentence: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.'';

(4) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien''; and

(6) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of his parole or his removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6).

''(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(ii) LENGTH OF DETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days, as authorized in clause (i)—

''(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(II) until the alien is removed, if the Secretary certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

''(AA) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified

crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); and

''(III) pending a determination under subclause (II), so long as the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or his designee provide for a hearing to make the determination described in clause (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security in the exercise of discretion may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) by inserting at the end of subsection (e) the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''; and

(B) by adding at the end the following new subsection:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''.

(c) SEVERABILITY.—If any of the provisions of this Act or any amendment by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) AMENDMENTS MADE BY SUBSECTION (A).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 407. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(1) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

''(2) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(3) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''.

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

SA 311. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION INJUNCTION REFORM.

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1).

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date that is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying a motion made by the Government under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying, or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

SA 312. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, after line 13, add the following:

SEC. 15___. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

''§ 2332c. Recruitment of persons to participate in terrorism.

''(a) OFFENSES.—

''(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the

employment, solicitation, inducement, commanding, or causing has not been done.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''; and

(2) by adding at the end the following:

''2339D. Receiving military type training from a foreign terrorist organization.''.

SA 313. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE HUNT FOR OSAMA BIN LADEN, AYMAN AL-ZAWAHIRI, AND THE LEADERSHIP OF AL QAEDA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Director of National Intelligence and the Secretary of Defense jointly shall submit to Congress a report describing the status of their efforts to capture Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(b) CONTENTS.—Each report required by subsection (a) shall include the following:

(1) A statement whether or not the January 11, 2007, assessment provided by Director of National Intelligence John Negroponte to the Select Committee on Intelligence of the Senate that the top leadership of al Qaeda has a ''secure hideout in Pakistan'' was applicable during the reporting period and, if not, a description of the current whereabouts of that leadership.

(2) A statement identifying each country where Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda are or may be hiding, including an assessment whether or not the government of each country so identified has fully cooperated in the efforts to capture them, and, if not, a description of the actions, if any, being taken or to be taken to obtain the full cooperation of each country so identified in the efforts to capture them.

(3) A description of the additional resources required to promptly capture Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda.

(c) FORM OF REPORT.—Each report submitted to Congress under subsection (a) shall be submitted in a classified form and shall be accompanied by an unclassified form of the report that redacts the classified information in the report. The unclassified form of the report shall be made available to the public.

SA 314. Mr. DEMINT proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 6 and all that follows through page 219, line 7.

SA 315. Mr. LIEBERMAN proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 215, strike line 22 and all that follows through page 219, line 7, and insert the following:

SEC. ___. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '',or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

SA 316. Mrs. MCCASKILL proposed an amendment to amendment SA 315 Proposed by Mr. LIEBERMAN to the amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

In the Amendment strike all after 'SEC' on page 1, line 3 and insert the following:

APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay . Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place such appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '',or section 111(d) of the Aviation and Transportation Security Act,'' after ''this Act''.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after date of enactment.

SA 317. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after ''2339C'' and inserting ''(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''40 years''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''2339F. Denial of Federal benefits to terrorists.''.

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts or conspires to kill,'' after ''Whoever kills''; and

(2) in paragraph (2), by striking ''ten years'' and inserting ''30 years''.

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

''(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.''.

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''40 years''.

SA 318. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States Imore secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) Whoever, being an employee or member of the Senate or House of Representatives of

the United States of America, or being entrusted with or having lawful possession of, access to, or control over any classified information contained in a report submitted to the Congress pursuant to the Improving America's Security Act of 2007, the USA Patriot Improvement and Reauthorization Act of 2005, or the Intelligence Reform and Terrorism Prevention Act of 2004, and who knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States, shall be fined under this title or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term ''classified information'' means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958 or successor orders;

The term ''unauthorized person'' means any person who does not have authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

SA 319. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:)

At the appropriate place, insert the following:

SEC. 1. AUTHORIZING THE SECRETARY OF HOMELAND SECURITY TO EXEMPT GROUPS THAT ARE NOT A THREAT TO THE UNITED STATES AND THAT DO NOT ATTACK CIVILIANS FROM THE DEFINITION OF "TERRORIST ORGANIZATION"

Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. §1182(d)(3)(B)(i)) is revised to read as follows:

''The Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that—

(I) subsection (a)(3)(B)(i)(IV)(bb) of this section shall not apply to an alien;

(II) subsection (a)(3)(B)(i)(VII) of this section shall not apply to an alien who endorsed or espoused terrorist activity or persuaded others to endorse or espouse terrorist activity or support a terrorist organization described in clause (vi)(III);

(III) subsection (a)(3)(B)(iv)(VI) of this section shall not apply with respect to any material support that an alien afforded under duress (as that term is defined in common law) to an organization or individual that has engaged in a terrorist activity;

(IV) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group that—

(aa) does not pose a threat to the United States or other democratic countries; and

(bb) has not engaged in terrorist activity that was targeted at civilians; or

(V) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group solely by virtue of its having a subgroup within the scope of that subsection.

''Such a determination may be revoked at any time, and neither the determination nor its revocation shall be subject to judicial review under any provision of law, including section 2241 of title 28.''

SEC. 2. AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. §1181(a)(3)(B)), the Hmong, the Montagnards, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of the enactment of this section.

SEC. 3. DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION

For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. §1181(a)(3)(B)), the Taliban shall be considered a terrorist organization described in subclause (I) of clause (vi) of that section.

SEC. 4. TECHNICAL CORRECTION TO EXCEPTION TO INADMISSIBILITY GROUND FOR TERRORIST ACTIVITIES FOR SPOUSES AND CHILDREN

Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking ''Subclause (VII)'' and replacing it with ''Subclause (IX)''.

SEC. 5. EFFECTIVE DATE

The amendment made by this section shall take effect on the date of enactment of this section, and this amendment and clause 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), as amended by this section, shall apply to—

(a) removal proceedings instituted before, on, or after the date of the enactment of this section; and

(b) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SA 320. Mr. KYL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Classified Information Procedures Reform Act of 2007''.

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of

inquiry not involving such classified information.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m., in open session to receive testimony on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Thursday, March 1, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Universal Service fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the Energy Information Administration's Annual Energy Outlook.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Thursday, March 1, 2007, at 10 a.m. in SD–406. The purpose of the hearing is to review state, local and regional government approaches to address global warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 1, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Medicare Payment for Physician Services: Examining New Approaches''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a markup on Thursday, March 1, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Matters Carried Over from Previous Meeting: S. 236, The Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu; S. 378, The Court Security Improvement Act of 2007, Leahy, Specter, Durbin, Cornyn, Kennedy, Hatch; S. 442, The John R. Justice Prosecutors and Defenders Incentive Act of 2007, Durbin, Specter, Leahy, Biden.

II. Nominations: Thomas M. Hardiman to be United States Circuit Judge for the Third Circuit: John Preston Bailey to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright, II, to be U.S. District Judge for the Central District of California; George H. Wu to be U.S. District Judge for the Central District of California.

III. Bills: S. 261, Animal Fighting Prohibition Enforcement Act of 2007, Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Kyl, Cornyn, Grassley, Sessions.

IV. Resolutions: S. Res. 78, Designating April 2007 as ''National Autism Awareness Month'', Hagel, Feingold; S. Res. 81, Recognizing the 45th anniversary of John Glenn's becoming the first United States astronaut to orbit the Earth), Brown, Voinovich.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2007 at 2:30 p.m. to hold a closed hearing.

THE PRESIDING OFFICER.

Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 1, 2007, at 3 p.m. for a hearing regarding ''Improving Federal Financial Management: Progress Made and the Challenges Ahead,''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to hold a hearing during the session of the Senate on Thursday, March 1, 2007, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar Nos. 32 through 35 and all nominations on the Secretary's desk; that the nominations be confirmed; the motions to reconsider be laid upon the table; any statements thereon be printed at the appropriate place in the RECORD; the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Shelby G. Bryant, 0000
Brigadier General Howard M. Edwards, 0000
Brigadier General Norman L. Elliott, 0000
Brigadier General Steven E. Foster, 0000
Brigadier General Robert D. Ireton, 0000
Brigadier General Emil Lassen, III, 0000
Brigadier General George T. Lynn, 0000
Brigadier General Robert B. Newman, Jr., 0000
Brigadier General Timothy R. Rush, 0000
Brigadier General Stephen M. Sischo, 0000

To be brigadier general

Colonel Craig W. Blankenstein, 0000
Colonel William J. Crisler, Jr., 0000
Colonel Johnny O. Haikey, 0000
Colonel Rodney K. Hunter, 0000
Colonel Jeffrey R. Johnson, 0000
Colonel Verle L. Johnston, Jr., 0000
Colonel Jeffrey S. Lawson, 0000
Colonel Bruce R. Macomber, 0000
Colonel Gregory L. Marston, 0000
Colonel James M. McCormack, 0000
Colonel Deborah C. McManus, 0000
Colonel John E. Mooney, Jr., 0000
Colonel Daniel L. Peabody, 0000
Colonel Kenny Ricket, 0000
Colonel Scott B. Schofield, 0000
Colonel John G. Sheedy, 0000
Colonel John B. Soileau, Jr., 0000
Colonel Francis A. Turley, 0000
Colonel James R. Wilson, 0000
Colonel Paul G. Worcester, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Benjamin C. Freakley, 0000

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel David H. Berger, 0000
Colonel William D. Beydler, 0000
Colonel Mark A. Brilakis, 0000
Colonel Mark A. Clark, 0000
Colonel David C. Garza, 0000
Colonel Charles L. Hudson, 0000
Colonel Ronald J. Johnson, 0000
Colonel Thomas M. Murray, 0000

Colonel Lawrence D. Nicholson, 0000
Colonel Andrew W. O'Donnell, Jr., 0000
Colonel Robert R. Ruark, 0000

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Tracy L. Garrett, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN216 AIR FORCE nominations (14) beginning GINO L. AUTERI, and ending JESUS E. ZARATE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN217 AIR FORCE nominations (15) beginning BRIAN E. BERGERON, and ending LOLO WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN218 AIR FORCE nominations (35) beginning BRIAN D. AFFLECK, and ending LORNA A. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN219 AIR FORCE nominations (24) beginning WILLIAM R. BAEZ, and ending MICHAEL D. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN220 AIR FORCE nominations (151) beginning KENT D. ABBOTT, and ending AN ZHU, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN221 AIR FORCE nominations (4) beginning ANTHONY J. PACENTA, and ending CHARLES J. MALONE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN222 AIR FORCE nominations (51) beginning TANSEL ACAR, and ending DAVID A. ZIMLIKI, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN223 AIR FORCE nominations (287) beginning BRIAN G. ACCOLA, and ending DAVID H. ZONIES, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN256 AIR FORCE nominations (2) beginning JEFFREY M. KLOSKY, and ending ROBERT W. ROSS III, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

IN THE ARMY

PN224 ARMY nomination of Todd A. Plimpton, which was received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN225 ARMY nominations (2) beginning PERRY L. HAGAMAN, and ending WILLIAM A. HALL, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN226 ARMY nominations (84) beginning DAVID W. ADMIRE, and ending D060341, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN227 ARMY nominations (129) beginning JAMES A. ADAMEC, and ending VANESSA WORSHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN228 ARMY nominations (26) beginning DENNIS R. BELL, and ending KENT J. VINCE, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN229 ARMY nominations (157) beginning RONALD J. AQUINO, and ending D060343, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2007.

PN257 ARMY nomination of Miyako N. Schanely, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN258 ARMY nominations (72) beginning ANTHONY C. ADOLPH, and ending KAIESHA N. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN259 ARMY nominations (26) beginning ANDREW W. AQUINO, and ending PAUL J. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN273 ARMY nomination of Susan M. Osovitzoien, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN274 ARMY nomination of Tom K. Staton, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN275 ARMY nomination of Evan F. Tillman, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN276 ARMY nominations (3) beginning MICHAEL A. CLARK, and ending JANET L. NORMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN277 ARMY nominations (7) beginning EDWARD W. TRUDO, and ending MING JIANG, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE MARINE CORPS

PN261 MARINE CORPS nominations (2) beginning DONALD E. EVANS JR., and ending ELLIOTT J. ROWE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN262 MARINE CORPS nomination of Jorge L. Medina, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN263 MARINE CORPS nominations (2) beginning DOUGLAS M. FINN, and ending RONALD P. HEFLIN, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN264 MARINE CORPS nominations (3) beginning CHARLES E. BROWN, and ending DAVID S. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN265 MARINE CORPS nominations (4) beginning STEVEN P. COUTURE, and ending JESSE MCRAE, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN266 MARINE CORPS nominations (94) beginning JONATHAN G. ALLEN, and ending JOHN W. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN278 MARINE CORPS nominations (2) beginning CHARLES E. DANIELS, and ending TIMOTHY O. EVANS, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN279 MARINE CORPS nomination of Brian T. Thompson, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN280 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN281 MARINE CORPS nominations (2) beginning VERNON L. DARISO, and ending RICHARD W. FIORVANTI JR., which nominations were received by the Senate and appeared in he Congressional Record of February 16, 2007.

PN282 MARINE CORPS nominations (4) beginning LEONARD R. DOMITROVITS, and ending ROBERT W. SAJEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN283 MARINE CORPS nominations (9) beginning SAMSON P. AVENETTI, and ending FRANCISCO C. RAGSAC, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN284 MARINE CORPS nominations (7) beginning JASON B. DAVIS, and ending PETER M. TAVARES, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN285 MARINE CORPS nominations (6) beginning DARREN L. DUCOING, and ending KENNETH L. VANZANDT, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

PN286 MARINE CORPS nominations (4) beginning ROBERT T. CHARLTON, and ending BRIAN A. TOBLER, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2007.

IN THE NAVY

PN268 NAVY nomination of Mark A. Gladue, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

PN270 NAVY nomination of Terry L. Rucker, which was received by the Senate and appeared in the Congressional Record of February 15, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORIZING EXPENDITURES BY COMMITTEES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 60, S. Res. 89.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to, as follows:

S. RES. 89

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2007, through September 30, 2007, in the aggregate of $55,446,216, for the period October 1, 2007, through September 30, 2008, in the aggregate of $97,164,714, and for the period October 1, 2008, through February 28, 2009, in the aggregate of $41,263,116, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,204,538, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $3,862,713, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,640,188, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,370,280, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,905,629, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,507,776, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,554,606, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,230,828, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,646,665, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,652,467, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,400,560, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,718,112, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,083,641.

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,404,061.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,295,042.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $2,841,799, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $4,978,284, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,113,516, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,970,374, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $6,956,895, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,954,095, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,265,283, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,721,937, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,429,876, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $4,794,663, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $8,402,456, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,568,366, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,220,177, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,150,340, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $3,886,766, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,461,012, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,561,183, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,087,981, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,373,063, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,405,349, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,021,186, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,259,442, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,207,230, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $937,409, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,524,019, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,670,342, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $1,133,885, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $3,220,932, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $5,643,433, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $2,396,252, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $1,183,262, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $2,071,712, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $879,131, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2007, 2008, and 2009, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2007, through September 30, 2007; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2007, through September 30, 2008; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2008, through February 28, 2009.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

MODIFYING INDIVIDUAL ELIGIBILITY FOR ASSOCIATE MEMBERSHIP IN THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 743, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 743) to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 743) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF INDIVIDUALS ELIGIBLE FOR ASSOCIATE MEMBERSHIP IN MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED.

Section 140503(b) of title 36, United States Code, is amended by inserting '', spouses, siblings,'' after ''parents''.

RECOMMITTING TO A POLITICAL SOLUTION TO THE CONFLICT IN NORTHERN UGANDA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) calling on the Government of Uganda and the Lord's Resistance Army to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas, for nearly two decades, the Government of Uganda has been engaged in an armed conflict with the Lord's Resistance Army (LRA) that has resulted in up to 200,000 deaths from violence and disease and the displacement of more than 1,600,000 civilians from eastern and northern Uganda.

Whereas former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland has called the crisis in northern Uganda ''the biggest forgotten, neglected humanitarian emergency in the world today'';

Whereas Joseph Kony, the leader of the LRA, and several of his associates have been indicted by the International Criminal Court for war crimes and crimes against humanity, including rape, murder, enslavement, sexual enslavement, and the forced recruitment of an estimated 66,000 children;

Whereas the LRA is a severe and repeat violator of human rights and has continued to attack civilians and humanitarian aid workers despite a succession of ceasefire agreements;

Whereas the Secretary of State has labeled the LRA ''vicious and cult-like'' and designates it as a terrorist organization;

Whereas the 2005 Department of State report on the human rights record of the Government of Uganda found that ''security forces committed unlawful killings . . . and were responsible for deaths as a result of torture'' along with other ''serious problems,'' including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the 2004 Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), Congress declared its support for a peaceful resolution of the conflict in northern and eastern Uganda and called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts;

Whereas the Cessation of Hostilities Agreement, which was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006, and extended on November 1, 2006, requires both parties to cease all hostile military and media offensives and asks the Sudan People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks;

Whereas the Cessation of Hostilities Agreement is set to expire on February 28, 2007, and although both parties to the agreement have indicated that they are willing to continue with the peace talks, no date has been set for resumption of the talks, and recent reports have suggested that both rebel and Government forces are preparing to return to war;

Whereas a return to civil war would yield disastrous results for the people of northern Uganda and for regional stability, while peace in Uganda will bolster the fragile Comprehensive Peace Agreement in Sudan and de-escalate tensions in the Democratic Republic of the Congo;

Whereas continuing violence and instability obstruct the delivery of humanitarian assistance to the people of northern Uganda and impede national and regional trade, development and democratization efforts, and counter-terrorism initiatives; and

Whereas the Senate unanimously passed Senate Resolution 366, 109th Congress, agreed to February 6, 2006, and Senate Resolution 573, 109th Congress, agreed to September 19, 2006, calling on Uganda, Sudan, the United States, and the international community to bring justice and provide humanitarian assistance to northern Uganda and to support the successful transition from conflict to sustainable peace, while the House of Representatives has not yet considered comparable legislation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) disapproves of the LRA leadership's inconsistent commitment to resolving the conflict in Uganda peacefully;

(2) urges the Lord's Resistance Army (LRA) and the Government of Uganda to return to negotiations in order to extend and expand upon the existing ceasefire and to recommit to pursuing a political solution to this conflict;

(3) entreats all parties in the region to immediately cease human rights violations and

address, within the context of a broader national reconciliation process in Uganda, issues of accountability and impunity for those crimes against humanity already committed;

(4) presses leaders on both sides of the conflict in Uganda to renounce any intentions and halt any preparations to resume violence and to ensure that this message is clearly conveyed to armed elements under their control; and

(5) calls on the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other similar governmental agencies and nongovernmental organizations within the international community to continue and augment efforts to alleviate the humanitarian crisis in northern Uganda and to support a peaceful resolution to this crisis by publicly and forcefully reiterating the preceding demands.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 47, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 47) supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 47) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 800

Mr. DURBIN. Mr. President, I understand that H.R. 800 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

ORDERS FOR FRIDAY, MARCH 2, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, March 2; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 4, and that the time until 10 a.m. be for debate to run concurrently on the Sununu amendment No. 292 and the Salazar amendment No. 280, with the time equally divided and controlled between Senators SUNUNU and SALAZAR or their designees; that no amendments be in order to either amendment prior to the vote; and that at 10 a.m., without further intervening action or debate, the Senate vote in relation to the Sununu amendment; that upon disposition of the Sununu amendment, the Senate then vote in relation to the Salazar amendment; that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Friday, March 2, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 1, 2007:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL SHELBY G. BRYANT, 0000
BRIGADIER GENERAL HOWARD M. EDWARDS, 0000
BRIGADIER GENERAL NORMAN L. ELLIOTT, 0000
BRIGADIER GENERAL STEVEN E. FOSTER, 0000
BRIGADIER GENERAL ROBERT D. IRETON, 0000
BRIGADIER GENERAL EMIL LASSEN III, 0000
BRIGADIER GENERAL GEORGE T. LYNN, 0000
BRIGADIER GENERAL ROBERT B. NEWMAN, JR., 0000
BRIGADIER GENERAL TIMOTHY R. RUSH, 0000
BRIGADIER GENERAL STEPHEN M. SISCHO, 0000

To be brigadier general

COLONEL CRAIG W. BLANKENSTEIN, 0000
COLONEL WILLIAM J. CRISLER, JR., 0000
COLONEL JOHNNY O. HAIKEY, 0000
COLONEL RODNEY K. HUNTER, 0000
COLONEL JEFFREY R. JOHNSON, 0000
COLONEL VERLE L. JOHNSTON, JR., 0000
COLONEL JEFFREY S. LAWSON, 0000
COLONEL BRUCE R. MACOMBER, 0000
COLONEL GREGORY L. MARSTON, 0000
COLONEL JAMES M. MCCORMACK, 0000
COLONEL DEBORAH C. MCMANUS, 0000
COLONEL JOHN E. MOONEY, JR., 0000
COLONEL DANIEL L. PEABODY, 0000
COLONEL KENNY RICKET, 0000
COLONEL SCOTT B. SCHOFIELD, 0000
COLONEL JOHN G. SHEEDY, 0000
COLONEL JOHN B. SOILEAU, JR., 0000
COLONEL FRANCIS A. TURLEY, 0000
COLONEL JAMES R. WILSON, 0000
COLONEL PAUL G. WORCESTER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN C. FREAKLEY, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID H. BERGER, 0000
COLONEL WILLIAM D. BEYDLER, 0000
COLONEL MARK A. BRILAKIS, 0000
COLONEL MARK A. CLARK, 0000
COLONEL DAVID C. GARZA, 0000
COLONEL CHARLES L. HUDSON, 0000
COLONEL RONALD J. JOHNSON, 0000
COLONEL THOMAS M. MURRAY, 0000
COLONEL LAWRENCE D. NICHOLSON, 0000
COLONEL ANDREW W. O'DONNELL, JR., 0000
COLONEL ROBERT R. RUARK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be Brigadier General

COL. TRACY L. GARRETT, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH GINO L. AUTERI AND ENDING WITH JESUS E. ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN E. BERGERON AND ENDING WITH LOLO WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. AFFLECK AND ENDING WITH LORNA A. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM R. BAEZ AND ENDING WITH MICHAEL D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENT D. ABBOTT AND ENDING WITH AN ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY J. PACENTA AND ENDING WITH CHARLES J. MALONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH TANSEL ACAR AND ENDING WITH DAVID A. ZIMLIKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN G. ACCOLA AND ENDING WITH DAVID H. ZONIES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY M. KLOSKY AND ENDING WITH ROBERT W. ROSS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

IN THE ARMY

ARMY NOMINATION OF TODD A. PLIMPTON, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PERRY L. HAGAMAN AND ENDING WITH WILLIAM A. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ADMIRE AND ENDING WITH D060341, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES A. ADAMEC AND ENDING WITH VANESSA WORSHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH DENNIS R. BELL AND ENDING WITH KENT J. VINCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATIONS BEGINNING WITH RONALD J. AQUINO AND ENDING WITH D060343, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2007.

ARMY NOMINATION OF MIYAKO N. SCHANELY, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTHONY C. ADOLPH AND ENDING WITH KAIESHA N. WRIGHT, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATIONS BEGINNING WITH ANDREW W. AQUINO AND ENDING WITH PAUL J. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

ARMY NOMINATION OF SUSAN M. OSOVITZOIEN, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TOM K. STATON, 0000, TO BE MAJOR.

ARMY NOMINATION OF EVAN F. TILLMAN, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL A. CLARK AND ENDING WITH JANET L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD W. TRUDO AND ENDING WITH MING JIANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD E. EVANS, JR. AND ENDING WITH ELLIOTT J. ROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATION OF JORGE L. MEDINA, 0000, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH DOUGLAS M. FINN AND ENDING WITH RONALD P. HEFLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. BROWN AND ENDING WITH DAVID S. PHILLIPS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN P. COUTURE AND ENDING WITH JESSE MCRAE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JONATHAN G. ALLEN AND ENDING WITH JOHN W. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES E. DANIELS AND ENDING WITH TIMOTHY O. EVANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATION OF BRIAN T. THOMPSON, 0000, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, 0000, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH VERNON L. DARISO AND ENDING WITH RICHARD W. FIORVANTI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH LEONARD R. DOMITROVITS AND ENDING WITH ROBERT W. SAJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH SAMSON P. AVENETTI AND ENDING WITH FRANCISCO C. RAGSAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH JASON B. DAVIS AND ENDING WITH PETER M. TAVARES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH DARREN L. DUCOING AND ENDING WITH KENNETH L. VANZANDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT T. CHARLTON AND ENDING WITH BRIAN A. TOBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2007.

IN THE NAVY

NAVY NOMINATION OF MARK A. GLADUE, 0000, TO BE COMMANDER.

NAVY NOMINATION OF TERRY L. RUCKER, 0000, TO BE CAPTAIN.